

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

I.A.No.28/2021 in
C.P (IB) No.177/BB/2020
U/R 11 & 38 (4) & (6) of the NCLT Rules, 2016
r/w Order V Rules 20 (1) (A)
r/w Section 151 of the Civil procedure Code, 1908

Between:

M/s. Allegis Services (India)
Private Limited,
Commerce @ Mantri, Level 3
No. 12/1 & 12/2 (N.S Palya)
Bannerghatta Road,
Bangalore – 560 076

--- Applicant/Operational Creditor

AND

M/s. Cryptograph Technologies Pvt. Ltd.
No. 87, 3rd Floor, Sector 1
27th Main, HSR Layout,
Bengaluru – 560 102

--- Respondents/Corporate Debtor

Date of Order: 3rd February, 2021

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

Parties/Counsels Present (Through Video Conference):

For the Applicant : Ms. Rithika Ravikumar

ORDER

Per: Rajeswara Rao Vittanala, Member (Judicial)

1. I.A.No.28 of 2021 in CP (IB) No. 177/BB/2020 is filed by M/s. Allegis Services (India) Private Limited, (Applicant/Operational Creditor),



Under Rule 11 and Rule 38 (4) and (6) of the NCLT Rules, 2016 r/w Order V Rule 20 (1) (A) r/w Section 151 of the Civil Procedure Code, 1908, by inter alia, seeking to order a publication of notice to the Corporate Debtor in 'the Hindu' and 'Udayavani' newspapers.

2. Brief facts of the case as mentioned in the Application, by inter alia stated as follows:

- 1) CP (IB) No. 177/BB/2020 is filed by the Applicant seeking to initiate Corporate Insolvency Resolution Process (CIRP) against the Corporate Debtor M/s. Cryptograph Technologies Pvt. Ltd. Accordingly, the Adjudicating Authority issued a notice to the Corporate Debtor on 19.06.2020 and thereafter re-issued notice on 14.08.2020. The Applicant, in compliance of Rule 6 (2) of the I & B (AAA) Rules, 2016 has dispatched a copy of the petition along with annexure through Courier to the registered office address of the Corporate Debtor as mentioned in the Company Master Data available on the MCA website and the same submitted before the Adjudicating Authority through memo dated 03.07.2020.
- 2) Despite notice, there was no representation made on behalf of the Corporate Debtor. Therefore, the Adjudicating Authority re-issued notice to the Corporate Debtor on 14.08.2020 and in compliance of the order dated 14.08.2020 the Operational Creditor took necessary steps and dispatched a letter dated 17.08.2020 along with copies of the petition and documents, by way of speed post, RPAD, courier, email and by hand delivery.
- 3) The Operational Creditor filed a memo dated 27.08.2020 to place on record the steps taken in compliance of the order dated 14.08.2020. Further the Counsel for the Applicant in order to



physically hand deliver the copies of the petition and documents, sent a member of his office staff to the registered address of the Corporate Debtor. It appears that the office of the Corporate Debtor is under renovation and there was no representative to collect the copies of the petition and documents. The security guard at the premises refused to collect the copies of the petition and documents.

- 4) In further compliance of the order dated 14.08.2020 the Applicant sent a copy of the petition and document to the registered email address of the representatives of the Corporate Debtor as reflected in the MCA website. The email sent to the key employees belong to those employees who are actively involved with the transaction with the Applicant and were also the main points of contact from the Corporate Debtor company for the Applicant acknowledging the debt. However, since the Respondent has remained absent on 02.09.2020 and 18.01.2021 thereafter when the matter listed.
 - 5) The Applicant is not aware of any other addresses of the Corporate Debtor. The Applicant apprehends that the Corporate Debtor is attempting to avoid appearing before this Hon'ble Tribunal to defeat the rights of the Applicant and also unnecessarily delaying the present proceedings. Therefore, it is submitted that substituted service is necessary to expedite the present legal proceedings and ensure that the instant proceedings reach its natural end. Hence the application.
3. Heard Ms. Rithika Ravikumar, Learned Counsel for the Applicant, through **Video Conference**. We have carefully perused the pleadings of the Parties and extant provisions of the Code and the rules made thereunder and the Law on the issue.



4. As detailed supra, the service on the Respondent is deemed to have been validly effected, and no further notice is required to be given, so as to burden the Petitioner further expenses, and to further delay the proceedings. We will take up admission on the next date.
5. In the result, **I.A No. 28 of 2021 in C. P (IB) No. 177/BB/2020** is here by disposed of directing the Registry to list CP for admission on 16.02.2021 and no further adjournment shall be given.



**ASHUTOSH CHANDRA
MEMBER, TECHNICAL**



**RAJESWARA RAO VITTANALA
MEMBER, JUDICIAL**

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