

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

3. C.P.(IB)-3901(MB)/2019

CORAM: SHRI H.V. SUBBA RAO, MEMBER (J)
SHRICHANDRA BHAN SINGH, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **12.07.2021**

NAME OF THE PARTIES: Viraj Profiles Ltd

V/s

Maharashtra State Electricity Distribution Company Ltd

SECTION 9 OF INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

None appeared on either side. The above company petition bearing No.
3901/2019 is dismissed vide separate order on the ground of maintainability.

Sd/-
CHANDRA BHAN SINGH
Member (Technical)

Sd/-
H.V. SUBBA RAO
Member (Judicial)

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

CP (IB) NO. 3901 OF 2019

**APPLICATION BY OPERATIONAL CREDITOR TO INITIATE
CORPORATE INSOLVENCY RESOLUTION PROCESS UNDER
CHAPTER II OF PART II OF THE CODE.**

*(Under Section 9 of the Insolvency and Bankruptcy Code, 2016
read with Rule 6 of the Insolvency and Bankruptcy (Application to
adjudicating Authority) Rules, 2016)*

In the matter of

M/s. Viraj Profiles Ltd.

having its office at : Unit V, Survey No.
114, At Mahagaon, Boiser ® Dist.
Thane, Pin Code 401506.

.... Operational Creditor

Versus

**Maharashtra State Electricity
Distribution Company Limited,**

Through its Nodal Officer/Addl.
EE, Palgar Circle, Palghar - 401506

.... Corporate Debtor

Order dated: 12.07.2021

**Coram: Hon'ble H.V. Subba Rao, Member (Judicial)
Hon'ble Chandra Bhan Singh, Member (Technical)**

Appearance :

For the Petitioner : None present

For the respondent : None present.

Per : Hon'ble H.V. Subba Rao, Member (Judicial)

ORDER

1. The above company petition is filed by M/s. Viraj Profiles Ltd.,
(hereinafter called as applicant / 'Operational Creditor') U/sec. 9

of the Insolvency and Bankruptcy Code, 2016, against M/s Maharashtra State Electricity Distribution Company Limited, (hereinafter called as respondent 'Corporate Debtor') for initiation of Corporate Insolvency Resolution Process against the corporate debtor.

2. The above company petition bearing No. 3901/2019 was filed basing on the order passed by the Consumer Grievance Redressal Forum, Kalyan Zone vide order dated 29.08.2018. When this tribunal questioned the counsel appearing for the petitioner on 06.07.2021 with regard to its maintainability, the counsel appearing for the petitioner requested short time to address the said query raised by this tribunal and accordingly, the matter was listed on board today.
3. Today the counsel appearing for the petitioner having taken time on the last occasion, failed to appear and explain with regard to the maintainability.
4. As stated above the company petition was filed basing on the recovery order passed by the Consumer Grievance Redressal Forum. The said order issued by the said Consumer Forum does not amount to a decree within the meaning of section 2 of the Code of Civil Procedure as it is a mere order. To add this, the Consumer Grievance Redressal Forum is not a Civil Court within the meaning of Civil Courts Act.

5. Under these circumstances this bench is of the view that the above company petition bearing No. 3901/2019 is not maintainable for the reasons stated supra and is liable to be dismissed.
6. Accordingly, the above company petition bearing No. 3901/2019 is dismissed for want of maintainability.
7. The Registry is hereby directed to communicate this order to both the parties and to IRP immediately.

Sd/-

CHANDRA BHAN SING
Member (Technical)

Sd/-

H V SUBBA RAO
Member (Judicial)