

(11)

NATIONAL COMPANY LAW TRIBUNAL
SINGLE BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD AT 10.30 AM ON 02.01.2019

PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER :
PETITION NUMBER : CP/724/ (IB)/2018
NAME OF THE PETITIONER(S) : SANGHVI MOVERS LTD
NAME OF THE RESPONDENT(S) : TECH SHARP ENGINEERS PVT LTD
UNDER SECTION : 9 RULE 6

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
		REPRESENTATION BY WHOM	

1. T. Senthukumar

Counsel for Petitioner.

for
Dr. K.

For
Aiyar & Datta
Geethanjali T

Respondent

Geethanjali T

ORDER

Counsels for both the parties are present. As seen from the Order dated 18.12.2018, last and final opportunity was granted to the Operational Creditor for seeking instruction from his client. However, the Counsel for the Operational Creditor again prayed for time for seeking instruction from his client. It appears that the Operational Creditor is derailing the process of adjudication, therefore, I proceeded to decide the matter on merits.

On perusal of the Application filed under Section 9 of the I&B Code, 2016, it appears that the claim amounting to Rs.38,84,709/- has become due and payable on 28.02.2013. There is a single confirmation of the claim by the Corporate Debtor on 07.11.2013 as reflects from the document placed at page 60 of the typed set filed with the Application. Thereafter, there is nothing on record to suggest that at any point of time the Corporate Debtor confirmed/acknowledged the debt.

In the circumstances, the claim has become time barred and in view of the judgment of the Hon'ble Supreme Court passed in *B.K.Educational Services Pvt. Ltd -vs- Parag Gupta and Associates (2018 SCC Online SC 1921)*, the Petition stands **dismissed**.

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(CH. MOHD SHARIEF TARIQ)
MEMBER (JUDICIAL)