

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU**

CoP.No.206/15 / (TP.No.27/2017
U/s 433(e), 433(f) and 434 (1)(A)
R/w Section 439 of the
Companies Act, 1956

In the matter of:

M/s The Pride Enterprises,
A Proprietorship Concern having its office
at 8-A, Burmah Shell Lane,
Big Bazaar Street,
Coimbatore - 641 001.

...Petitioner

Versus

Falcon Tyres Limited,
A Company incorporated under the
provisions of Companies Act, 1956
and having its registered office at
KRS Road, Metagalli,
Mysuru, Karnataka - 570 016.

... Respondent

Date of Order: 8th August, 2018

CORAM: Hon'ble Shri Rajeswara Rao Vittanala, Member (J)
Hon'ble Dr.Ashok Kumar Mishra, Member (T)

Counsel/Parties Present:

For the Applicant : None

For the Respondent : None

Per: Hon'ble Dr.Ashok Kumar Mishra, Member (T)

ORDER

1. Company Petition No.206/15 is filed by M/s The Pride Enterprises Under Section 9 of IBC read with Rule 6 of I&B (AAA) Rules, 2016 before the Hon'ble High Court of Karnataka under Section 433(e) and 433(f) 434 (1)(A) read with Section 439 of the Companies Act, 1956 by inter alia seeking




to wind up respondent Company Falcon Tyres Limited on the ground that respondent failed to pay balance amount of Rs.21,62, 457/-.


2. The case was subsequently transferred to this Bench in pursuant to Gazette notification dated 07.12.2016, and the case was renumbered as TP.No.27/17 and it was listed before the Bench on various dates viz. 21.03.17, 25.07.17, 11.08.17, 18.08.17, 28.08.17, 21.09.17, 20.10.17, 24.11.17, 03.01.18, 05.03.18, 16.04.18, 30.05.18, 04.06.18, 15.06.18.

3. None appears for both the parties. The case is listed on 24.11.17 and 16.04.2018, case was listed under the Caption "For Dismissal" on 08.08.2018.

4. We have noticed that this Tribunal has already initiated CIRP in respect of Falcon Tyres Limited, the Corporate Debtor herein vide order dated 28.04.2017 in CP(IB)01/BB/2017 by appointing Shri Ramachandra Bhat as the IRP. Therefore, the present Company Petition from same Corporate Debtor is not maintainable. It is for the Petitioner to approach the IRP appointed in that case. Even today none appears for both the parties indicating that they are not interested to prosecute the case.

5. In view of the above facts and circumstances of the case, CP.No.206/15 /(TP.No.27/17) is dismissed for default for non prosecution. No order as to cost.


(Dr.Ashok Kumar Mishra)
Member (T)


(Rajeswara Rao Vittanala)
Member (J)