

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH**

(IB)-461(PB)/2017

IN THE MATTER OF:

BDR Builders and Developers Pvt. Ltd. APPLICANT / PETITIONER
Vs
Shilpi Cable Pvt. Limited RESPONDENT

SECTION:

Under Section 7 of Insolvency & Bankruptcy Code

Order delivered on 11.01.2018

Coram:

CHIEF JUSTICE (Retd.) M.M.KUMAR
Hon'ble President

S.K. MOHAPATRA
Hon'ble Member (T)

For the Applicant/petitioner: Mr. Ashish Aggarwal, Mr. Gurcharan Singh
Adv.

For the Respondent:

ORDER

Affidavit of service dated 27.11.2017 and 12.12.2017 have been filed. A perusal of the affidavit dated 27.11.2017 shows that Mr. R.N. Bansal Advocate attempted to serve a copy of the petition and reached the registered office of the respondent, i.e. A-19/B1 Extension, Mohan Cooperative Industrial Estate, PO Badarpur, Mathur Road, New Delhi-110044 on 09.11.2017. Mr. Bansal has made further statement in para-3 which reads as under:

“3. That I reached the aforesaid on 09.11.2017 at around 2:15 P.M. at the reception of the same office and met one Ms. Divya and handed over notice to her. She stated that she has to confirm from the legal department before accepting the said notice. Thereafter, she called up Ms. Kanika, who she stated was from the legal department, from her mobile. After talking to her, she refused to accept the same and stated that the new address of the respondent was at C-43, LGF, Jangpura Extension, New Delhi”.

A perusal of the master data alongwith statement shows that the registered address of the respondent company is the same which have been given in the affidavit and service was attempted on the same address. However, it was refused. There is further evidence on record showing that the respondent had earlier received a copy of the petition.

It has already come on record that both the Directors, namely S/Shri Gaurav Singhal and Rohit Kumar have resigned on 13.07.2017 and 17.08.2017. It appears that the company cannot be represented by any one. Therefore, respondents are proceeded ex-parte.

List for arguments on 1st February, 2018.

Sd/-

(M.M. KUMAR)
PRESIDENT

Sd/-

(S.K. MOHAPATRA)
(MEMBER TECHNICAL)

11.01.2018
Veena