

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH

(IB) 548(ND) 2017

CORAM:

PRESENT: MS. DEEPA KRISHAN
HON'BLE MEMBER(T)

MS. INA MALHOTRA
HON'BLE MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 05.02.2018

NAME OF THE COMPANY: Rita Kapur Vs. Invest Care Pvt. Ltd. & Ors

SECTION OF THE COMPANIES ACT: 7 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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For the Petitioner (s) : Mr. Ranvir Singh, Advocate

For the Respondent (s) : Mr. Vivek Malik & Dhawal Jain, Advocates for R-1, 4 & 5

ORDER

The petition under Section 7 of the Code is opposed by the Ld. Counsel for the Corporate Debtor as despite having granted the Financial Creditor opportunity to remove the defects, the petitioner continues to suffer from infirmities. This is notwithstanding the fact that even the time taken to remove the defects is alleged to be beyond the period permitted under the code. Without going into this contention, it is noticed that the petitioner has not name the IRP as mandated for a claim made u/s 7 of the Code. Opportunities have been availed by the petitioner to present their petition as per law, which in the first instance was filed against multiple Corporate Debtors. No further opportunity can be granted to them to adhere to the legal and statutory provisions of the Code.

Ld. Counsel for the Respondent has relied upon the decision of the Hon'ble NCLAT in the matter of Chharia Holdings Pvt. Ltd. Vs. Brys International Pvt. Ltd. & others Company Appeal (AT) (Insol.) No. 126/2017 wherein it has been categorically observed that a petition suffering from the

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defect of not naming the IRP as mandated by the sub section 3(b) of Section 7 of the Code is liable to be rejected.

In view of the same, this petition is Rejected. However, the petitioner is at liberty of filing the petition on the same cause of action, subject to statutory limitations.

-S-d-11

(Deepa Krishan)
Member (T)

-S-d-11

(Ina Malhotra)
Member (J)