

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P No. 436/(MAH)/2017

CORAM:

Present: SHRI M.K. SHRAWAT
MEMBER (J)

SHRI BHASKARA PANTULA MOHAN
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 03.11.2017

NAME OF THE PARTIES: Dewan Housing Finance Corporation Ltd.
V/s.
Sai Shraddha Plumbing Systems Pvt. Ltd.

SECTION OF THE COMPANIES ACT: I & BP Code 2016.

S. No. NAME DESIGNATION SIGNATURE

ORDER

C.P. No. 436/I&BC/NCLT/MB/MAH/2017

1. The Learned Representative of the Petitioner is present.
2. This is Transfer Petition is filed in the Hon'ble High Court under section 433 of the Companies Act for the outstanding debt of Rs. 39,87,457/-.
3. As per the Notification the matter was transferred to NCLT. The matter appeared for the first time on 17.04.2017. Shivangi Bijoria appeared for the Petitioner and sought time to file Form No. 5. Hence the matter was adjourned to 19.06.2017. On 19.06.2017 none appeared and the matter was adjourned to 03.07.2017. On 3rd July, 2017 none appeared and Registry was directed to issue notice intimating the next date of hearing and matter was adjourned to 04.08.2017. On 04.08.2017 it was noticed that the requisite Form was defective and intimated that since the form is defective the case can be rejected. The matter was then adjourned to 13.09.2017.

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4. On 13.09.2017 again none appeared and it is stated in the Order Sheet that the Petitioner is not serious in pursuing the Petition. On perusal of Form No. 5 it is noticed that there are number of defects in the Petition, such as, the name of the IRP has not been proposed. The delivery of the Notice of Demand or the requisite Form No. 5 on the Respondent/debtor has also not been placed on record. Therefore, this Petition is defective. Hence by invoking the provisions of Section 9 as per the 1st Proviso 7 days time is given. The matter was then adjourned to 09.10.2017. On 09.10.2017 for want of time the matter was adjourned to 03.11.2017. Today again none appeared.
5. Even though so many opportunities are granted to the Petitioner none appeared. This shows that the Petitioner is not serious in pursuing the Petition. The Form No.5 is also defective.
6. Therefore this Petition is Dismissed for want of prosecution. Consigned to the Records.

Sd/-

**BhaskaraPantula Mohan
Member (Judicial)**

03.11.2017
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Sd/-

**M.K. Shrawat
Member (Judicial)**