

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

C.P. No. 789/2016

IN THE MATTER OF:

IFCI Factors Limited

.....Petitioner

v.

Metaphor Exports Pvt. Ltd.

.....Respondent

SECTION : UNDER SECTION 433(e) & 434 of the Companies Act, 1956

Order delivered on 20.07.2017

Coram:

CHIEF JUSTICE M.M. KUMAR

Hon'ble President

Deepa Krishan

Hon'ble Member (T)

For the Petitioner(s) :

ORDER

On 03.07.2017 the Registrar has passed the following order:-

"This matter was received on transfer from Hon'ble High Court of Delhi pursuant to notification no. G.S.R. 1119(E) & S.O. 3676 (E) dated 7th December, 2016 issued by Ministry of Corporate Affairs, Government of India.

The matter has also been taken up on 25.04.2017, 12.05.2017 & 23.05.2017.

The petitioner has not filed compliance affidavit in terms of Rule 5 Companies (Transfer of pending proceedings) Rules 2016 within the limit stipulated in the notification No. G.S.R 1119 (E) dated 7.12.2016 and G.S.R. 175 (E) dated 28.2.2017.



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List the matter before the Hon'ble Principal Bench on 12.07.2017."

Thereafter on 12.07.2017 the matter was listed before the Bench and on that occasion petitioner applies for withdrawal of the petition and for the said purpose he was directed to file an appropriate application. However, no step has been taken by the counsel for the petitioner to comply with the order dated 03.07.2017 as well as order dated 12.07.2017 and even the counsel for the petitioner is not present. In any case by virtue of notification dated 29.06.2017 such like petition would have survived upto 15.07.2017. If compliance affidavit is not filed by the aforesaid date then such like petition was to abate. However, as per notification liberty has been given to the petitioner to file fresh petition on the same cause of action.

In view of the above, this petition abates and liberty in terms of the notification dated 29.06.2017 is granted to file fresh petition.


(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT


(DEEPA KRISHAN)
(MEMBER TECHNICAL)

20.07.2017
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