

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

(IB)-487(ND)/2017

IN THE MATTER OF:

M/s. Nimbus Harbor Facilities Management Pvt. Ltd..... Applicant/Petitioner

Order under Section 9 of Insolvency & Bankruptcy Code, 2016

Order delivered on 29.11.2017

Coram:

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

Ms. Deepa Krishan
Hon'ble Member (T)


For the Applicant/petitioner : Mr. Pankaj Bhagat, Advocate
For the Respondent :

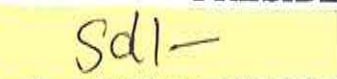
ORDER

The demand notice issued under Section 8 of the IBC, 2016 by the Operational Creditor to the Operational Debtor on 25.10.2017 has been issued by Shri Pankaj Bhagat, learned Advocate for the Operational Creditor. One Mr. Vir Kulkarni Dhar has been authorized by resolution dated 11.10.2017 to engage a counsel to institute, file, sign, verify all the documents necessary for institution of legal proceedings. Accordingly, Mr. Kulkarni Dhar who has authorized Mr. Pankaj Bhagat to serve the demand notice must have executed some power of attorney. However, there is nothing on the record to show that Mr. Kulkarni Dhar ever authorized Mr. Pankaj Bhagat to issue such a demand notice. This is required as per the judgment of the Hon'ble Appellate Tribunal rendered in many cases.

Learned counsel for the petitioner states that the needful shall be done by showing the authorization given by Mr. Kulkarni Dhar to Mr. Pankaj Bhagat to issue and serve the demand notice under Section 8 of the IBC, 2016. Learned counsel also undertakes to rectify all other defects from the petition within four days.

List for further consideration on 19.12.2017.


(CHIEF JUSTICE M.M.KUMAR)
PRESIDENT


(DEEPA KRISHAN)
MEMBER(TECHNICAL)