

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P No. 330/(MAH)/2017

CORAM:

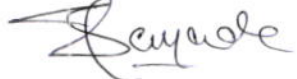
Present: SHRI M.K. SHRAWAT
MEMBER (J)

SHRI BHASKARA PANTULA MOHAN
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 14.11.2017

NAME OF THE PARTIES: Madhukar Yeshwant Patade
V/s.
Stationery Point India Ltd.

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

S. No.	NAME	DESIGNATION	SIGNATURE
①	Pranod Tayade	Adv. for Petitioner	

ORDER

T.C.P. No. 330/I&BC/NCLT/MB/MAH/2017

1. The Learned Representative of the Petitioner is present.
2. The Petition is transferred from the Hon'ble High Court.
3. The admitted position is that the Notice of Demand was issued by the Petitioner on 25.07.2017 and also the admitted position is that Form No. 5 was submitted on 06.09.2017 in NCLT, Mumbai Bench for an outstanding operational debt of Rs. 6,80,000/-.
4. In view of the Notification No. GSR-732(E) dated 29.06.2017 in case of Petitions transferred from Hon'ble High Court the Petitioner is required to file the requisite Form on or before 15.07.2017, otherwise the Transferred Petition stood Abated.
5. As per the terms of the Notification in this case since the Form is belatedly filed the Petition stood Abated. However, liberty is granted as prescribed in the Notification to file Fresh Petition under Insolvency Code. The 1st Proviso of the Notification reads as under :-

...2...

"As a consequence the Petition is liable to be rejected, however, worth to reproduce a paragraph from the latest notification dated 29.06.2017 (F. No. 1/0/2015-CL-V) GSR 732(E) as under :-

"Provided further that any party or parties to the petitions shall, after the 15th day of July, 2017, be eligible to file fresh applications under sections 7 or 8 or 9 of the Code, as the case may be, in accordance with the provisions of the Code."

6. In view the 1st Proviso of the Notification liberty is granted to the Petitioner to file Fresh Petition. But since the requisite Form was belatedly filed this Petition stood Abated.
7. Therefore this Transfer Petition stood abated. Consigned to Records.

Sd/-

Bhaskara Pantula Mohan
Member (Judicial)
07.11.2017

aah

Sd/-

M.K. Shrawat
Member (Judicial)