

**IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI
SPECIAL BENCH**

(IB)- 158 (PB)/2017

IN THE MATTER OF:

Mr. Abhinav Mathur

.....PETITIONER

Vs.

M/s. Indulge Beverages Pvt. Limited

..... RESPONDENT

SECTION :

Under Section 9 of (IBC)

Order delivered on 07.7.2017

Coram :

**R. VARADHARAJAN,
Hon'ble Member (Judicial)**

**DEEPA KRISHAN,
Hon'ble member (Technical)**

For the Petitioner /Applicant : Mr. Sameer Rastogi, Advocate
Mr. Yatin Sachdeva, Advocate

For the Respondent : -

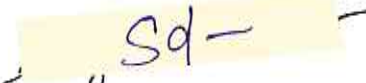
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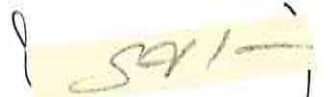
Learned Counsel for the petitioner is present. From the perusal of the earlier order dated 30.6.2017 of this Tribunal, it has been observed that the petitioner was required to remove the defects as observed in the said order. However, the defects have not been removed within the stipulated period and even as of today and the application is still kept incomplete.



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By virtue of Section 9 of the IBC Code, 2016, the application is liable to be dismissed in view of non-compliance with proviso to sub Section (5) of Section 9, as time-barred. Accordingly, the petition is dismissed for non-compliance in relation to rectification of defects. However, since the petition has been dismissed at the threshold stage itself this will not prevent the petitioner from seeking remedy before other Forums/Court of law, if so advised.


(DEEPA KRISHAN)
MEMBER (TECHNICAL)


(R. VARADHARAJAN)
MEMBER (JUDICIAL)