

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

C.P. No. 963/2015

IN THE MATTER OF:

Valmont Structures Pvt. Ltd.

.....Petitioner

v.

NU-Tek India Ltd. & Ors.

.....Respondents

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) : Shri Kuldeep Mansukhani, Advocate

ORDER

On the last date of hearing 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 was earlier listed before the Principal Bench on 15.05.2017 wherein petitioner was directed to file compliance affidavit in terms of notification No. G.S.R. 1119 (E) dated 7.12.2016 and affidavit of service under the relevant rule of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

The matter was also taken up on 30.05.2017.

The petitioner has filed two complete set of the petition 3.5.2017



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Compliance affidavit has been filed on 27.6.2017 but compliance affidavit is not in terms of notification No. G.S.R 1119 (E) dated 7.12.2016.

The matter is already listed before the Hon'ble Principal Bench on 20.07.2017."

It is pertinent to mention that on 15.05.2017 an undertaking was given by the counsel for the petitioner to file compliance affidavit in accordance with the Rules known as Companies (Transfer of Pending Proceedings) Rules, 2016 and the provisions of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016. However, no step has been taken till date. 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.

Sd/-

**(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT**

Sd/-

**(DEEPA KRISHAN)
(MEMBER TECHNICAL)**

20.07.2017
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