

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**PRINCIPAL BENCH**

(IB)-239(PB)/2017

**IN THE MATTER OF:**

M/s. Baddi Foils Private Limited .....Petitioner  
v.  
M/s. Biotropics Pharma Private Limited .....Respondent

**SECTION : UNDER SECTION 9**

**Order delivered on 21.12.2017**

**Coram:**  
**CHIEF JUSTICE M.M. KUMAR**  
**Hon'ble President**

**Deepa Krishan**  
**Hon'ble Member (T)**

**For the Petitioner(s):                      Mr. Shankar Kumar Jha, Advocate**

**For the Respondent(s) :**

**ORDER**

Learned counsel for the petitioner has filed an affidavit stating that the substituted service has been effected in accordance with Rule 38 (4) of the NCLT Rules, 2016 and notices have been duly published in the English and Hindi newspapers on 01.12.2017 clearly indicating therein that the matter is posted for hearing before the NCLT today i.e. 21.12.2017. It has further been pointed out that notice under Section 138 of Negotiable Instrument Act was issued with regard to dishonour of cheque and a reply to that notice has duly been received on 02.12.2017 (Annexure-B) with the affidavit. Therefore, it must be concluded that the respondents are not interested in appearing before this Tribunal to defend the present proceedings.

In the forenoon session the case was called out and it was kept for post lunch session so as to await appearance of the respondents. However, when the matter was taken up after lunch at 3.10 P.M. no one has put in appearance. Therefore, there is sufficient ground for us to proceed ex-parte.

To come up for arguments on 16.01.2018.

Sd/-  
**(CHIEF JUSTICE M.M.KUMAR)**  
**PRESIDENT**

Sd/-  
**(DEEPA KRISHAN)**  
**MEMBER(TECHNICAL)**

**21.12.2017**  
**VINEET**