

or

NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

**Diary No.3 (015) of 2018**

Under Section 7 of the Insolvency & Bankruptcy Code, 2016 read with Rule 4 of the  
Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016

In the matter of:

M/s. Himatsinka Auto Enterprises  
... Applicant/Financial Creditor

-Versus-

M/s. Himatsinka Resorts Pvt. Ltd.  
...Respondent/Corporate Debtor

Judgment delivered on **19-02-2018**

**Coram:**

**Hon'ble Mr. Justice P. K. Saikia, Member (J)**

For the Applicant/Financial Creditor: Mr. A. K. Roy, Advocate

For the Respondent/Corporate Debtor: Mr. Rakesh Sharma, Advocate

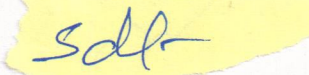
**ORDER**

Mr. A. K. Roy, learned counsel for the financial creditor is present today. Mr. Rakesh Sarmah, learned counsel for the corporate debtor is also present representing the corporate debtor.

2. The learned counsel for the corporate debtor submitted that the corporate debtor has not received the copy of the application and the relevant documents, although, the same has been sent by the Bench. In that connection, I have perused the record of the Registry which shows that notice sent from this Bench is in terms of Rule 4 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016. The report reveals that in spite of making best effort from the side of the Registry, the notice could not be served on the corporate debtor. The report of the Registry be kept with the record.



3. However, Mr. A. K. Roy, learned counsel for the financial creditor submits that he would furnish a copy of the application and relevant documents attached therewith, to the corporate debtor during the course of the day. The learned counsel appearing for the corporate debtor prayed that opportunity may be allowed to submit written objections, if any, against prayer of the corporate debtor.
4. The prayer of the corporate debtor is accepted. Accordingly, the corporate debtor is directed to submit reply/objections, if any, within a period of ten days from today, furnishing simultaneously copy thereof to the financial creditor for their needful.
5. List the matter on 28<sup>th</sup> February, 2018.

  
Member (Judicial)  
National Company Law Tribunal  
Guwahati Bench: Guwahati.

Dated, Guwahati, the 19<sup>th</sup> February, 2018  
*Deka/19-02-2018*

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