

**NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH**

Dy.No.562/2017

*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:

IFCI Limited

... Financial Creditor

-Versus-

M/s CMJ Breweries Pvt. Ltd.

... Corporate Debtor

**Date of Order: 11<sup>th</sup> September 2017**

**Coram:**

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

.....

**ORDER**

This proceeding has been filed under Section 7 of the Insolvency and Bankruptcy Code, 2016 (for short IBC 2016) read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 by the Financial Creditor, namely, IFCI Limited against the Corporate Debtor, namely, M/s CMJ Breweries Pvt. Ltd.

2. The application was received by this Tribunal on 30.08.2017. Vide note dated 05.09.2017, the Registry of this Tribunal had pointed out certain defects in the application. The Tribunal, on consideration of the Registry's note in the light of the application and the annexed documents directed the Registry to communicate the defects to the Financial Creditor with further direction to rectify the same immediately.

3. In compliance with the direction of the Tribunal, Registry had communicated the defects to the Financial Creditor and for rectification of the same. Accordingly, the Financial Creditor has rectified the defects notified by way of an affidavit dated 08.09.2017 and has resubmitted the application. In that connection,



Registry has also put up a note today i.e. 11.09.2017. For ready reference, said note of the Registry is reproduced below:

*"In compliance with the order of this Tribunal, on 05/09/2017 the Registry has communicated to the financial creditor the defects noted in the application filed under section 7 of the Insolvency and Bankruptcy Code of India, 2016 on 30/08/2017.*

*"The following defects were communicated to IFCI Limited, the financial creditor:*

- a) Date of default in Part IV of the application has to be revised in accordance with the repayment schedule.*
- b) Details of the payment already made by the alleged corporate debtor may be provided.*

*"The financial creditor through letter dated 07/09/2017 filed vide diary number 577 has submitted that the date of default is 31.03.2016.*

*"With reference to point (ii), an additional annexure marked as Annexure I-A (i) has been enclosed describing the payments made by the alleged corporate debtor.*

*"A service affidavit was filed on 08/09/2017 certifying that after making the necessary corrections, the copies of the rectified annexure has been sent to the corporate debtor in the recorded registered office.*

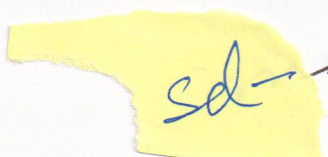
*"Laid for perusal of Your Lordship and for favour of further orders."*

5. I have perused the note of the Registry in the light of the statements made in the application and the connected documents and I find reason, prima facie, to concur with the opinion rendered by the Registry.

6. Therefore, Registry is directed to Issue notice to the Corporate Debtor asking it to show cause as to why the application should not be admitted and why such further order/orders should not be passed as this Tribunal deems fit and proper. Notice may also be issued to the applicant.

7. The notices may be sent by Registered Post with A/D and also by email in the addresses furnished.

8. List this matter on 14.09.2017.

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

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