

Bench No. I

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

T.P.No.82/2017
C.P-893/2016

Present: Hon'ble Member (J) Shri Vijai Pratap Singh

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 26th July, 2017, 10.30 A.M

Name of the Company		Diabari Tea Company Ltd.	
		Winding up	
Under Section		433,434	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. Madhu Sudan Sarker

Madhu Sudan Sarker

2. Moujanjit Sarker

Moujanjit Sarker

operational creditor

ORDER

Ld. Counsels for the operational creditor are present. No one is present from the corporate debtor's side.

Ld. Counsel for the petitioner filed winding up petition on the ground of inability to pay debt in the Hon'ble Calcutta High Court, which has come to this Court on transfer.

As per Government notification all winding up petition on the ground of inability to pay debt shall be treated as an application under sections 7, 8 or 9 of the Insolvency & Bankruptcy Code, 2016 and in

compliance of that petitioner has filed fresh petition under the IBC, 2016. Registry is directed to register the petition under the IBC and issue fresh notice on the corporate debtor in compliance of the order of Hon'ble NCLAT in the case of **Innovative Industries Ltd. –versus- ICICI Bank**. Notice may be handed over to the operational creditor for serving on the corporate debtor. Petitioner is directed to receive the notice from the office for serving it on the corporate debtor by hand delivery as well as speed post and file affidavit of service within 7 days.

Winding up petition is being disposed of accordingly.

List the matter on 09/08/2017.

— *Sd/-*
(Vijai Pratap Singh)
Member (J)