

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

C.P.(IB) No.523/KB/2017

Present: Hon'ble Member (J) Shri Vijai Pratap Singh  
Hon'ble Member (J) Shri Jinan K.R

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 12<sup>th</sup> December 2017, 10.30 A.M

Name of the Company	Atul Rastogi-Versus-Duncans Industries Ltd.		
Under Section	9 IBC		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. Soumalakha Ghose }  
2. Souvik Kundu } For Applicant

Souvik Kundu  
12/12/17.

1. Ratnanku Banerjee, Secy Adv }  
2. RISHAV BANERJEE, Adv }  
3. SOUVIK MAZUMDER, ADV } For Corporate Debtor

Rishav Banerjee  
12/12/17

ORDER

Ld. Counsel for the operational creditor and the corporate debtor is present.

Petitioner has filed this petition u/s. 9 of the Insolvency and Bankruptcy Code, 2016 and by our order dated 29/11/2017 petitioner was directed to furnish certificate in compliance of Section 9(3)(c) of the I & B Code, 2016. In



compliance of that order petitioner has approached the Bank and Bank has issued the certificate as follows:

*"This has reference to your letter dated 21<sup>st</sup> November 2017. With reference to the same please note that the account no. 153010100063443 with us has not received any credits with narration "Salary - SAL/DUNCANS INDS LTD" from August 2014 to till date.*

*Please note that the drawers details for clearing cheque credits could not be ascertained.*

*The Certificate is issued at the specific request of the customer without any risk or responsibility of the bank or any of its officials signing the same."*

The above certificate is not in compliance of provisions of Section 9(3)(c) of the Insolvency and Bankruptcy Code, 2016, which is reproduced below:

*"a copy of the certificate from the financial institutions maintaining accounts of the operational creditor confirming that there is no payment of an unpaid operational debt by the corporate debtor;"*

Axis Bank is hereby directed to issue a certificate in compliance of provision of Section 9(3)(c) of the Insolvency and Bankruptcy Code, 2016 wherein it is to specifically state that there is no payment of unpaid operation debt by the corporate debtor.

Sd

Sd

Let certified copy of this order may be handed over to the concerned bank for compliance.

List it on **11/01/2018** for admission.

Urgent certified copy of the order be issued, if applied for, upon compliance of all requisite formalities.

  
(Jinan K.R.)  
Member (J)

  
(V.P.Singh)  
Member (J)