

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

C.P. No. 214/2016

IN THE MATTER OF:

Smt. Sadhna Gupta

.....Petitioner

v.

Patr Buildcon Pvt. Ltd.

.....Respondent

SECTION : UNDER SECTION 433(e), 434 & 439

Order delivered on 28.08.2017

Coram:

CHIEF JUSTICE M.M. KUMAR

Hon'ble President

Deepa Krishan

Hon'ble Member (T)

For the Petitioner(s) : Ms. Prachi Johri, Advocate

For the Respondent(s) :

ORDER

This is an application filed under Rule 11 of the National Company Law Tribunal Rules, 2016 read with Order 9, Rule 9, CPC with a prayer for restoring the petition at its original number which was dismissed on 18.05.2017.

For the reasons stated in the application particularly in para 6 thereof, we recall the order dated 18.05.2017 and restore the petition at its original number.

C.P. No. 214/2016

Having restored the petition, we have heard the learned counsel for the petitioner and find that there is no compliance with the various provisions of Rules known as Companies (Transfer of Pending Proceedings) Rules, 2016 and the

C/V

/contd/

provisions of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

Accordingly, the petition has abated and the same is dismissed as such. However, liberty is granted to the petitioner to file fresh one on the same cause of action under the Insolvency and Bankruptcy Code, 2016 or avail any other remedy in accordance with law.

The application stands disposed of in the above terms.

Sd/-

(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT

Sd/-

(DEEPA KRISHAN)
(MEMBER TECHNICAL)

28.08.2017
Vineet