

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**

**PRINCIPAL BENCH**

**(IB)-496(ND)/2017**

**IN THE MATTER OF:**

**M/s. Synergy Steels Limited** .....

**v.**

**M/s. Bharat Heavy Electricals Limited** .....

**SECTION : UNDER SECTION 9**

**Order delivered on 21.11.2017**

**Coram:**

**CHIEF JUSTICE M.M. KUMAR**

**Hon'ble President**

**Deepa Krishan**

**Hon'ble Member (T)**

**For the Petitioner(s): Mr. Sajeve Deora, Practicing Chartered Accountant  
Mr. Pulkitt Deora & Mr. Abhishek Kumar, Advocates**

**For the Respondent(s):**

**ORDER**

Learned counsel for the petitioner has placed reliance on a judgment of Hon'ble the NCLAT and argued that although the default occurred in Nov. 2013, Dec. 2013, Jan. 2014 and May, 2014 yet the cause of action arose to the petitioner on 01.12.2016 when the IBC, 2016 was promulgated and the period of three years will commence from that date. It has further been argued that the filing of suit on 19.11.2016 would not have any bearing as the suit has been filed by the petitioner not by the respondent raising a dispute with regard to the dues of outstanding amount which is due to the petitioner.

Notice to show cause to the respondent returnable on 29.11.2017 be issued as to why the petition be not admitted.

Process dasti.

It will be permissible to the learned counsel for the petitioner to serve the respondent by electronic mode i.e. email etc. which shall be in addition to ordinary process.

List for further consideration on 29.11.2017.

Sd/-

**(CHIEF JUSTICE M.M. KUMAR)  
PRESIDENT**

Sd/-

**(DEEPA KRISHAN)  
(MEMBER TECHNICAL)**

21.11.2017  
Vineet