

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH

(IB) 268 (ND)/2017

CORAM:

PRESENT: SH. S. K. MOHAPATRA
HON'BLE MEMBER(T)

SMT. INA MALHOTRA
HON'BLE MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 08.09.2017

NAME OF THE COMPANY: M/s Magic Eye Developers Pvt. Ltd. Vs. M/s Green Edge Infra Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 7 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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	For the Petitioner (s) :	Mr. Rahul Mukherjee, Advocate Mr. Krishnendu Datta, Advocate Mr. Shaunak Kashyap, Advocate		
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	For the Respondent (s) :	Mr. Vivek Kohli, Advocate Mrs. Prerna Kohli, Advocate Mr. Sunil Tyagi, Advocate Mr. Yeshi Rinchhen, Advocate		
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ORDER

Ld. Counsel for the Petitioner has placed on record their written communication to their Bankers, HDFC Bank for issuance of their statement of account duly certified under the Bankers Books Evidence Act. This has been replied to by the said Bank namely, HDFC Bank, Sarita Vihar Branch, New Delhi, in which they have stated that the said certification can be provided on the basis of a direct order of the court of law or the investigating agency. It is submitted that for want of specific directions from

(Lekh Raj Singh)



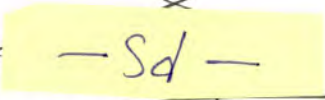
the Court, they are unable to issue Bankers Certificate under the Bankers Books of Evidence Act.

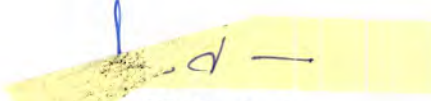
We are unable to comprehend this explanation given that to issue a Bank Statement duly certified under the Bankers Evidence Act, a court order is required. Further, there is a mandate under Section 7 of the Insolvency & Bankruptcy Code, 2016 read with Rule 4 and Form-I of the Insolvency and Bankruptcy (Adjudication Authority) Rules, 2016 for issuance of the required certificate.

Show cause notice be issued to the Chief Manager of HDFC Bank, Sarita Vihar, New Delhi, as to why this certification has been withheld.

Copy of the order is given Dasti.

To come up on 19th September, 2017.


(S. K. Mohapatra)
Member (T)


(S. K. Malhotra)
Member (J)