

BENCH-I

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P(IB) No.412/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 06th December 2017, 10.30 A.M

Name of the Company		Techno Fac Contracts (P) Ltd-Vs-Yatri Vihar Hospitality (P) Ltd	
Under Section		9 IBC	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1.	Ratnanko Banerji, Smr. Adv.	for the operational creditor	DRAW. 6/12/2017.
2.	Victor Mills, Adv		

1.	Pandey Neeraj Ray	for the operational debtor.	
2.	Nilanjan Sen		
3.	Utsav Dutta		Utsav Dutta 6/12/2017

ORDER

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

In compliance of Section 9(3)(c) of the I & B Code, 2016 operational creditor has filed bank certificate wherein it is stated that the amount which has been received in the account of the operational creditor but it is not specifically written that amount from the corporate debtor has not been received. Section 9(3)(c) of the I & B Code 2016 provides that operational creditor has to file "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;"

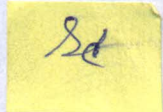
In compliance of the provision in Section 9(3)(c) of the I & B Code, 2016 Bank, maintaining the accounts of the operational creditor, has to issue a certificate to that effect. Therefore, petitioner is directed to file the Certified Copy of this Order to the Bank and obtain certificate in accordance with the provision of Section 9(3)(c) of the I & B Code, 2016. We hope that Bank will issue certificate accordingly.

Petitioner is directed to file supplementary affidavit annexing the bank certificate within 7 days from today.

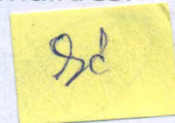
Ld. Counsel for the corporate debtor sought leave of the Court for filing proper authorisation. Prayer is allowed. Supplementary affidavit may be filed enclosing the proper authorisation within 7 days.

List on 02/01/2018.

Urgent certified copy of this order may be issued to the petitioner upon compliance of all requisite formalities.



(Jinan K.R.)
Member (J)



(V.P.Singh)
Member (J)