

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, MUMBAI**

**T.C.P.NO.154/I&BP/NCLT/MB/MAH/2017**

CORAM:

**SHRI M.K. SHRAWAT**  
MEMBER (JUDICIAL)

**SHRI RAVIKUMAR DURASAMY**  
MEMBER (TECHNICAL)

In the matter of Sections 433 and 434 of the Companies Act, 1956

**SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA** ..... **Petitioner.**

**Versus**

**M/s. COTTSTOWN FASHIONS LIMITED.** ..... **Respondents.**

**PRESENT ON BEHALF OF THE PARTIES**

None Present.

**ORDER**

**Heard on : 24.07.2017.**

**Pronounced on : 25.07.2017**

1. None present from the side of the Petitioner/Creditor.
2. The matter is transferred from the Hon'ble High Court of Bombay pertaining to the provisions of Section 433(e) of the Companies Act, 1956. On transfer of such Petitions a list of the Transferred Cases was prepared and duly publicized to inform the parties concerned.
3. When the matter was listed for the first time on 05.04.2017 the Learned Counsel Mr. Rakesh Piprodia instructed by RMP LEGAL for the Petitioner was present. At his request matter was adjourned to 08.06.2017. Thereafter no one is present from the side of the Petitioner until 24.07.2017 i.e. today. .
4. The Procedure of Intimation is three fold i.e.
  - (i) the **first** step is that the every day Cause List is always been uploaded on the NCLT Site for Public Information;
  - (ii) the **second** step is that the directions given on hearing is also displayed daily in the Official Site<sup>7</sup> about the decision taken in the Court; and
  - (iii) the **third** step is that the status of the Cause List is also displayed on the official site mentioning the next date of hearing.
4. Though number of opportunities were given to the Petitioner to appear but the Petitioner is not serious in pursuing this Petition.
5. As a consequence the Petition is liable to be rejected, however, worth to reproduce a paragraph from the latest notification dated 29.06.2017 (F. No. 1/0/2015-CL-V) GSR 732(E) as under :-

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*"Provided further that any party or parties to the petitions shall, after the 15<sup>th</sup> day of July, 2017, be eligible to file fresh applications under sections 7 or 8 or 9 of the Code, as the case may be, in accordance with the provisions of the Code."*

6. Hence for want of prosecution, the matter is dismissed. Consigned to Records.

Sd/-

**Ravikumar Duraisamy**  
**Member (Technical)**  
**Dated : 24.07.2017.**

Sd/-

**M.K. Shrawat**  
**Member (Judicial)**