

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

COMPANY PETITION NO. TCP 336/I&BP/NCLT/MB/MAH/2017

CORAM : (1) **SHRI M.K. SHRAWAT**
Member (Judicial)
(2) **Dr. ASHOK KUMAR MISHRA**
Member (Technical)

In the matter of sections 433 (e) and (f) and section 434 of the Companies Act read
with Insolvency & Bankruptcy Code 2016

AND

In the matter of **M/s. Sreeji Steel Traders Pvt. Ltd.,**
Registered Office at:
402, 4th floor, Star Galaxy Apartment,
L.T. Road, Borivali (West),
Mumbai – 400092.

..... Petitioner

AND

In the matter of **M/s. Alok Infrastructure Limited,**
Registered Office:
Peninsula Business Park,
Tower-B, 2 and 3 floor,
Ganpatrao Kadam Marg,
Lower Parel,
Mumbai – 400 013.

: Respondent

Represented by:

(None) : For Petitioner

Shri Ishan Ravindranath along with
Sash Dalia i/w
Haresh Jagtiani & Associates

: For Respondents

ORDER dated 14.07.2017
TCP 336/I&BP/ NCLT/MB/MAH/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 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. As happened in the past on so many occasions, the matter was listed on 11.04.2017, 15.06.2017 and thereafter on 14.07.2017. On these dates, nobody appeared from the side of the Petitioner.
4. As noted above, number of opportunities in the past were granted to the Petitioner Creditor, however, regularly remained absent. It appears that the Petitioner is not serious in pursuing the Petition. On the other hand, from the side of the Respondent Debtor the proceedings were attended on the last occasion on 15.06.2017 and today also. On the last date the recording on the Order Sheet was as follows :-

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"ORDER
T.C.P. No. 336/I&BP/NCLT/MB/MAH/2017

1. *None present from the side of the Petitioner.*
2. *On the last occasion on 11.04.2017 the Petitioner was directed to comply the provisions of I&BP Code and serve the Notice along with the requisite Form on the Respondents.*
3. *From the side of the Respondents the Learned Representative is present and stated that not yet received the requisite Notice and Form.*
4. *In case of non-compliance from the side of the Petitioner this Petition is liable to be dismissed as per the provisions of I.P. Code.*
5. *The Petition is now adjourned to **14th July, 2017.***

The Learned Representative has further stated that the amount in dispute has also not been ascertained by the Petitioner. He has not given this specific information of the disputed amount. Hence pleaded that the petition deserves to be "**dismissed**".

5. The Procedure of Intimation is three fold i.e.
 - (i) the **first** step is that 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 about the decision taken in the Court; and
 - (iii) the **third** step is that the status of the Cause List is also displayed in the official site mentioning the next date of hearing.
6. Though number of opportunities were given to the Petitioner to appear but the Petitioner is not serious in pursuing the Petition. 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. 1/5/2016-CL-V] (GSR 732(E) as under:-

"Provided further that any party or parties to the petitions shall, after the 15th 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".
7. Hence for want of prosecution, the matter is "**dismissed**".
8. To be consigned to records.

Sd/-
DR. ASHOK KUMAR MISHRA,
Member (Technical)

Sd/-
SHRI M.K. SHRAWAT
Member (Judicial)

Date : 14.07.2017