

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH, MUMBAI
COMPANY PETITION NO. TCP 560/I&BP/NCLT/MB/MAH/2017**

CORAM

:

SHRI M.K. SHRAWAT
Member (Judicial)

In the matter of Insolvency & Bankruptcy Code 2016

AND

In the matter of **M/s. ALF FARMS PRIVATE LIMITED**,
Registered Office at: Gut No.86, Village Partoli,
Shenva-Kinhavali Road, Mangaon, Sahapur,
Thane-421 601

: Petitioner

AND

In the matter of **M/s. 5P Hospitality (India) Private Limited**,
(Formerly known as AmRest Restaurants (India) Private Limited)
Registered Office at: 106, First Floor Meadows,
Sahar Plaza, Andheri (East),
Mumbai – 400 059.

: Respondent

ORDER dated 21.07.2017

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 433 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. The matter was earlier listed on 06.04.2017, however nobody attended on that day. The matter was, therefore, adjourned to 13.06.2017; none present. The Registry has intimated the next date of hearing. Again listed for hearing on 21.07.2017. None Present.
4. 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.
5. 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".
6. Hence for want of prosecution, the matter is "**dismissed**".
7. To be consigned to records.

Sd/-

SHRI M.K. SHRAWAT
Member (Judicial)

Date : 21.07.2017

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