

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

C.P. NO.1293/I&BP/NCLT/MAH/2017

Under Section 9 of IBC, 2016

In the matter of

Priti Singh Petitioner

vs.

Elektrans Shipping Pvt Ltd Respondent.

Order delivered on 29.09.2017

Coram: Hon'ble B.S.V. Prakash Kumar, Member (J)
Hon'ble V. Nallasenapathy, Member (T)

For the Petitioners: Mr. D. B. Pereira and Ms. Rinika Jain, Advocates

For the Respondent: Mr. Shailendra Singh, Advocate, Mr. Gaurav Khanna, Company Authorised Representative.

Per B. S. V. Prakash Kumar, Member (Judicial)

ORDER

Oral order dictated in open court on 27.09.2017

The Petitioner filed this Company Petition u/S 9 of the Insolvency and Bankruptcy Code, 2016 against Corporate Debtor stating that since the Corporate Debtor failed to pay the salary arrears of the Petitioner amounting to ₹3,81,981, this Petitioner filed this Company Petition for initiation of Insolvency Resolution Process against this Company.

2. Today the case of the Petitioner herein is that though the Corporate Debtor paid salary arrears amounting to ₹3,81,981 as mentioned in this Company petition, since the Company has not placed any proof of paying TDS dues to the Government, unless such proof is placed before this Bench, the payment made by the Corporate Debtor could not be construed as full payment made towards the debt mentioned in this Company Petition.

3. Though the TDS payment can't be called as dues payable to the petitioner, this Bench could not look into payment of tax by the Corporate Debtor as due to the Petitioner, in any event, since the Corporate Debtor has filed TDS Tax Challan receipt reflecting TDS has been paid by the Corporate Debtor to the Government, nothing has been left in the petition to be decided.

4. The Corporate Debtor has given further undertaking that as and when Form 16 is made available to the Corporate Debtor, a copy of the same would be supplied to the Petitioner herein.

5. For the dues reflecting in this Company Petition being already paid to the Petitioner herein, this Company Petition is hereby dismissed as infructuous.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)