

NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, MUMBAI

T.C.P No. 326/(MAH)/2017  
CA No.

CORAM:

Present: SHRI M.K. SHRAWAT  
MEMBER (J)

SH. RAVIKUMAR DURAISAMY  
Member (T)


ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 26.07.2017

NAME OF THE PARTIES: Kryfs Power Components Ltd.  
V/s.  
BRG Energy Ltd.

SECTION OF THE COMPANIES ACT: I & BP Code 2016.

| S. No. | NAME | DESIGNATION | SIGNATURE |
|--------|------|-------------|-----------|
|--------|------|-------------|-----------|

Petition is inadvertently filed before Hon'ble  
Bombay High Court which is transferred to  
this Hon'ble Tribunal at Mumbai.  
Liberty is sought to withdraw the Petition with  
Liberty to file ~~the same before~~ appropriate  
proceedings before appropriate forum.

  
For Advocate for the Petitioner  
/s/ Crawford & Bayley Co/-

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**ORDER**

**T.C.P No. 326/I&BC/NCLT/MB/MAH/2017**

1. The Learned Representative of the Petitioner is informed that this Petition was filed before the Hon'ble Bombay High Court. However, the address of the Respondent Debtor is in Andhra Pradesh State. For ready reference, the details of the Respondent is as under :-

"BRG Energy Limited, Unit No.4,  
Plot No. 40, APIIC, Phase-1,  
Pashamailaram Village, Patancheru  
Mandal, Medak District- 502319,  
Andhra Pradesh and  
Plot No. 838, Vivekananda Nagar  
Colony, Kukalpally, Hyderabad  
Andhra Pradesh- 500 072  
CIN: U40101TG2006PLC050709"

2. Learned Representative has put a note on the Order Sheet that the Petition be allowed to be withdrawn with a liberty to file appropriate Petition before the appropriate forum.
3. All these winding up Petitions were filed before the Hon'ble High Court by invoking the old provisions of the Companies Act, Section 433(e) have been transferred to NCLT, to be dealt with according to the Insolvency & Bankruptcy Code 2016. Under this Code, as per Section 60, the territorial jurisdiction is over the place where the Registered Office of the Corporate Debtor is located. Due to this reason, the Petition is not within the jurisdiction of NCLT, Mumbai Bench. The Learned Representative is also clarified that even the Petition before the Hon'ble Bombay High Court was out of jurisdiction. *has me*
4. However, it is also been clarified that there is no request from the side of the Petitioner to transfer this Petition before the NCLT having correct jurisdiction; but the request is to grant permission to withdraw the Petition with liberty to file fresh Petition.
5. Liberty is granted. Petition is disposed of as "**withdrawn**".

Sd/-

**RAVIKUMAR DURAISAMY**  
Member (Technical)

Sd/-

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