

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

C.P. NO.1143/I&BP/NCLT/MAH/2017

Under Section 9 of IBC, 2016

In the matter of

Fab Trading

..... Petitioner

vs.

Supreme Infrastructure (I) Ltd Respondent.

Order delivered on 25.7.2017

Coram: Hon'ble B.S.V. Prakash Kumar, Member (J)

Hon'ble V. Nallasenapathy, Member (T)

For the Petitioners: Mr. Gaurav Patodia, Proprietor

For the Respondent: None present.

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

ORDER

It is a Company Petition filed by the Operational Creditor, viz. Fab Trading u/s 9 of the Insolvency and Bankruptcy Code, 2016 against the Corporate Debtor, viz. Supreme Infrastructure (I) Ltd. on the ground that this Debtor defaulted in making payment of ₹1,93,746 basing on the tax invoice dated 1.3.2014 and 8.3.2014, seeking a relief for initiation of Insolvency Resolution Process against the Corporate Debtor.

By going through the application filed under Section 9 of the Insolvency and Bankruptcy Code, 2016, it appears that this Petitioner has not raised any invoice against the Corporate Debtor herein for supply of cement, indeed these bills were raised by Orient Cement Ltd. on 1.3.2014 and Shree Krishna Transport on 8.4.2014. Besides this, in the application itself, this Petitioner mentioned that this invoices were raised on 1.3.2014 and 8.4.2014, for there being no acknowledgement nor confirmation within three years before filing this Petition to say that this Company Petition is within limitation, henceforth there being no invoice raised by the Creditor against the Corporate Debtor and for these invoices raised against this company are showing as raised on 1.3.2014 and 8.4.2014 which is beyond three years from the date of filing this Company Petition, this Company Petition is hereby dismissed as misconceived.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

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