

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P No. 786/(MAH)/2017

CORAM:

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

SHRI BHASKARA PANTULA MOHAN
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 11.01.2018

NAME OF THE PARTIES: Krystal Integrated Services Pvt. Ltd.
V/s
City Fresh Retail Pvt. Ltd.

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

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

ORDER

T.C.P. No. 786/I&BC/NCLT/MB/MAH/2017

1. None present.
2. This is ^{the} Transfer Petition from the Hon'ble High Court. ^{ms}
3. On number of occasions in the past the Petitioner was directed to file requisite Form. Thereafter Form No. 5 was filed on 06.09.2017 in the capacity of Operational Creditor in respect of the Operational debt of Rs. 14,82,828/-
4. Since the Form No. 5 was filed beyond the date prescribed under the Notification No. GSR-732(E), therefore, on the last occasion i.e on 12.12.2017 a chance was given to explain the position of law that why the Petition be not treated as abated. Paragraph Nos. 1 to 4 are reproduced below "
"(1) *The Learned Representative of the Petitioner is present.*
(2) *On perusal of the record it is noticed that this is Transfer Petition from the Hon'ble High Court, therefore, as per Notification No. GSR-732(E) dated 30.06.2017, the Petitioner was required to submit the requisite Form on or before 15.07.2017, which has not been done by the Petitioner.*

..2..

T.C.P. No. 786/I&BC/NCLT/MB/MAH/2017

- (3) *However, liberty is already given vide 1st Proviso of this Notification by which the Petitioner can file Fresh Petition.*
- (4) *Hence the Petitioner to explain why this Petition not be considered as "Abated" in view of the aforesaid Notification. To be answered on or before **11.01.2018**."*
5. When the Matter was called, no one is present.
6. As a consequence this Transfer Petition stood "Abated" in terms of the Notification No. GSR-732(E) dated 30.06.2017.
7. However, liberty is granted to the Petitioner to file Fresh Petition under the 1st Proviso of the said Notification.
8. The Petition is disposed of as "Abated". To be consigned to records.

Sd/-

BHASKARA PANTULA MOHAN

Member (Judicial)

11.01.2018

aah

Sd/-

M.K. SHRAWAT

Member (Judicial)