

NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P NO.(IB)-47(PB)/2017
CA NO.

CORAM:

PRESENT: CHIEF JUSTICE M. M. KUMAR
Hon'ble President

SH. R.VARADHARAJAN
Hon'ble Member (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE PRINCIPAL BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 25.04.2017

NAME OF THE COMPANY: Ingram Micro India Pvt. Ltd.
Vs
Noida Software Technology Park Ltd.

SECTION OF THE COMPANIES ACT: U/s 9 of Insolvency And Bankruptcy Code 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MR. KRISHNENDU DATTA, Adv		} Responded	Prachi Johri
2.	MS PRACHI JOHRI, Adv			
3.	MR SHANTANU PARASHAR, Adv			

ORDER

Mr. Krishnendu Datta, Learned Counsel for the petitioner has referred to Section 9 (3) (c) of the IBC and has raised the objection that a copy of the certificate from the Financial Institution in respect of the operational creditors confirming that there was no payment of unpaid debt by the Corporate debtor should have been attached with the application. Since the aforesaid certificate has not been filed, learned Counsel has argued that the application is liable to be dismissed in pursuance of Section 9(5) (ii).

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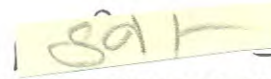
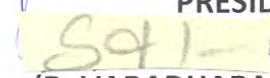
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However, we find that in accordance with the provisions of Section 9(5) proviso, the Adjudicating Authority is obliged to give notice to the applicant to rectify the defects in the application within 7 days of the receipt of notice from the Adjudicating Authority pertaining to such defects.

Accordingly, we grant time to the applicant to rectify the defects and file the aforesaid certificate in terms of Section 9 (3) (c) of the Code.

The needful shall be done on or before 01.5.2017.

The matter be listed on 3rd May, 2017.


CHIEF JUSTICE M.M. KUMAR)
PRESIDENT

(R. VARADHARAJAN)
MEMBER (JUDICIAL)

Surjit
25.4.2017