

National Company Law Tribunal

Allahabad Bench

CP NO. 52/2016

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 09.08.2017

NAME OF THE COMPANY: *Patel Integrated Logistic Ltd Vs M/s-New Gen Specially Plastic Ltd*
SECTION OF THE COMPANIES ACT: U/S *433/434 of the Companies Act, 1956*

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
<u>1.</u>	<i>Sunil Kumar Singh</i>		<i>Pt</i>	<i>[Signature]</i>
<u>2.</u>	<i>Saurabh Yadav</i>	<i>Advocate</i>	<i>Resp.</i>	<i>[Signature]</i>

CP NO. 52/2016

M.K. Bagri or *Sh. Saurav Yadav* proxy counsel for Sh. Nikhil Kumar, Advocate on behalf of respondent company *Sh. M.K. Bagri*, OL for the Central Government. The submission of counsel for respective parties are heard. It is pointed out by the Ld. OL that keeping in view of the statutory changes made in the Companies Act, 2013 and by virtue of that I & B Code, 2016 came into effect the present company petition and proceedings are to be treated as stands abated and a fresh application needs to be filed in conformity with the provision of the Insolvency & Bankruptcy Code.

At this juncture, the Ld. Counsel appearing for the respondent company raised an objection on territorial jurisdiction of the Hon'ble Allahabad High Court as well as of this Bench of the NCLT for filing the present petition. As per the counter affidavit filed by the respondent company, the registered office of the company situates at Mathura Road, Jasola, New Delhi, that fall within the jurisdiction of the ROC, New Delhi. Therefore, the present petition beyond the jurisdiction of and not to be entertained by this Bench. The respondent counsel also provides a certificate which is issued by the Registrar of companies of National Capital Territory of Delhi & Haryana. By perusing such certificate, it is now undisputed position that the registered office of the company is situated within the jurisdiction of the ROC, New Delhi and as per the provisions of the Companies Act read with NCLT Rule, prima facie the petition is not maintainable before this Bench.

As the present petition has been received as a transferred case from the Hon'ble Allahabad High Court and the Ld. Petitioner counsel contended that the present petition was filed within jurisdiction of the court where cause of action in the matter arose. Argument are heard.

Hence, the order in this respect is reserved.

Dated: 09.08.2017

[Signature]
Sri H.P. Chaturvedi, Member (Judicial)

Typed by:
Kavya Prakash