

National Company Law Tribunal

Allahabad Bench

C P NO. (IB) 106/ALD/2017

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 16.11.2017

NAME OF THE COMPANY: JMS Mining Pvt Ltd vs. Jai Prakash Associates Ltd

SECTION OF THE COMPANIES ACT/I & B CODE: 9 of I & B Code of 2016

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
<u>1.</u>	R. P. Agarwal	Adv.	Respondent	R. P. Agarwal
<u>2.</u>	Samrat Sengupta	Adv.	Petitioner	Samrat Sengupta

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Shri Samrat Sengupta for petitioner- Operational Creditor. Advocate, Shri R.P. Agarwal for the Corporate Debtor Company. The petitioner has stated that the defects as pointed out and objection raised by this Tribunal are now removed, although not within time.

Keeping in view of the recent decision of the Hon'ble Supreme Court in the matter of Surendra Trading Company Vs. J.K.Mills., The provision of 9(5) I & B Code is not mandatory in nature and or directory. Further, we find that sufficient reason has been shown for the delay caused in removing such defects/ objection. Hence, the delay occurred needs to be condoned. Hence is condoned and rectification as made is taken on record. The case is now fixed for argument on admission/ or otherwise of the present I & B petition.

The matter be listed on 6th December, 2017.

Date: 16/11/2017

Typed by
Jyoti
(Stenographer)

Sd_____

H.P. Chaturvedi, Member(Judicial)