

**NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH**

**CP NO. 69/Chd/Pb/2016**

In the matter of M/s AGI Hospitalities Ltd.

Present: Mr. Vikas Mohan Gupta, Advocate for petitioner

When the matter was listed on 05.5.2017, the following order was passed:

*"Having heard the learned counsel for applicant-company, it seems that the compliance of certain requirements of Rule 68 of the NCLT Rules, 2016 have not been made especially the advertisement which has not been published in accordance with Rule 68 (5) of the NCLT Rules, 2016 and had to be published after the date of hearing is fixed by the Tribunal. This aspect is also apparent from Form 3 A and Rule 35 of the Rules. Similarly, notices by Registered Post with Acknowledgement Due have not been sent to the creditors. Even it is not stated that the petitioner-company does not have any debenture holders. Learned counsel for petitioner submits that the date of hearing may be fixed and before that the petitioner would make necessary compliances as may be directed by the Tribunal. It is noticed that list of creditors only up to 31.08.2016 is on record whereas it must have undergone change with the passage of more than six months. It is directed that the petitioner would file affidavit of the Authorised Representative of the petitioner stating therein as under:-*

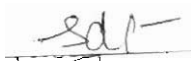
- (i) The list of debenture holders and creditors, both secured*
- (ii) List of debenture holders and creditors would include the amount of outstanding as on 31.03.2017 so that proper notices of hearing could be issued to the all concerned; and*
- (iii) Whether there is any regulatory body of the Company under any other Act.*

*Learned counsel for petitioner would also ensure that any other compliances of the provisions of the Act and Rules are made by then. Affidavit stating compliance be filed at least two days before the date fixed with a copy to the Registrar of Companies, Punjab and Chandigarh.*

*Registry has reported that a letter dated 16.03.2017 has been received from Oriental Bank of Commerce having no objection to the conversion and also from India Infoline Housing Finance Limited. This aspect may be taken up by the learned counsel for petitioner on the date of hearing.*

*List the matter on 18.05.2017 for further hearing and compliance affidavit be filed at least two days before the date fixed."*

On 18.05.2017 adjournment was again requested for compliance. As the compliance of the order dated 05.5.2017 has still not been made, the instant petition is dismissed for non-compliance of direction issued by this Tribunal vide order dated 05.5.2017 despite sufficient time given.

  
(Justice R.P. Nagrath)  
Member (Judicial)

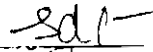
May 31, 2017  
arora

*Learned counsel for petitioner would also ensure that any other compliances of the provisions of the Act and Rules are made by then. Affidavit stating compliance be filed at least two days before the date fixed with a copy to the Registrar of Companies, Punjab and Chandigarh.*

*Registry has reported that a letter dated 16.03.2017 has been received from Oriental Bank of Commerce having no objection to the conversion and also from India Infoline Housing Finance Limited. This aspect may be taken up by the learned counsel for petitioner on the date of hearing.*

*List the matter on 18.05.2017 for further hearing and compliance affidavit be filed at least two days before the date fixed."*

On 18.05.2017 adjournment was again requested for compliance. As the compliance of the order dated 05.5.2017 has still not been made, the instant petition is dismissed for non-compliance of direction issued by this Tribunal vide order dated 05.5.2017 despite sufficient time given.

  
(Justice R.P. Nagrath)  
Member (Judicial)

May 31, 2017  
arora