

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

**CP NO.16/2016  
RT NO.88/Chd/HP/2017**

In the matter of:

M/s Mehar Paper Coats

...Petitioner

Versus

M/s Supermax Personal Care Pvt. Ltd.

...Respondent

Present: Mr. Pavinder Singh Bedi, Advocate for petitioner.  
None for respondent.

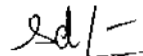
The instant petition was filed under Sections 272 and 357 (2) of the Companies Act, 2013 for winding up of the respondent-company on the ground of its inability to pay the debt. The petition was filed in the Hon'ble High Court of Himachal Pradesh on 28.10.2016 but the provision of Sections 272 and 357 (2) of the Companies Act, 2013 had not yet come into force when the petition was filed. Section 272 of the Companies Act, 2013 as originally framed, entitled the creditors to file a petition for winding up of the company. This provision has been amended as per the eleventh Schedule to the Insolvency and Bankruptcy Code, 2016 and under the amended provisions the creditor(s) including contingency and prospective creditor(s) are not falling within any of the clauses of Section 272 of the Act. As per notification dated 07.12.2016 the provisions of amended Sections 272 to 288 have come into force only with effect from 15.12.2016.

Learned counsel appearing for the petitioner concedes the above proposition of law and thus admits that the instant petition as presented would not be maintainable. The instant petition, therefore, stands disposed of being not

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maintainable with liberty to the petitioner to avail of the remedy under the Insolvency and Bankruptcy Code, 2016, if so advised or other appropriate remedy.

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

  
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(Deepa Krishan)  
Member(Technical)

April 24, 2017

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