

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

**CP NO. 21/2016  
RT No. 18/2017**

**Date: 03.03.2017**

**Coram: Hon'ble Mr. Justice R.P. Nagrath, Member (Judicial).  
Hon'ble Deepa Krishan, Member (Technical)**

Tata Capital Financial Services Ltd. .... Petitioner.  
Versus.  
Gobindgarh Stone Crushers Pvt. Ltd. .... Respondent.

Present: - Mr. Deepak Sharma, Advocate for Mr. Vikrant Sharma,  
Advocate.  
None for respondent.

**ORDER**

**R.P. Nagrath, J., Member (Judicial) (Oral):**

This petition was filed before the Hon'ble Punjab and Haryana High Court for winding up of the respondent-company in terms of Section 433 (e) of the Companies Act, 1956 for its inability to pay the debts due to the petitioner. The case was still at the stage of service of the respondent when it was transferred to this Tribunal. In terms of notification dated 07.12.2016 an affidavit complying with the provisions of Insolvency and Bankruptcy Code, 2016 was required to be filed within 60 days from the date of enforcement of the notification. The notification has come into force w.e.f. 15.12.2016. The period of 60 days is already over on 13.02.2017 and no such compliance has been made. The petition is, therefore, dismissed with liberty to the petitioner

*W.e.f. 15.12.2016*

*WV*

to file a fresh petition under Insolvency and Bankruptcy Code, 2016 or any other appropriate remedy, if so advised.

— SD —

(Justice R.P. Nagrath)

— SD —

(Deepa Krishan)  
Member (Technical)

March 03, 2017

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