

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

**CA NO.84/2017
IN
CP No.182/2016
RT CP (IB) No.53/Chd/Pb./2017**

In the matter of:

M/s Harsoria Trading Co.

.....Petitioner.

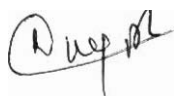
Versus.

M/s Ceigall India.

....Respondent.

Present: Mr.Samarth Sagar, Advocate with Mr.Ankur Gupta,
Advocate for the petitioner.
Mr.Anuj Gupta, proprietor of the petitioner-Operational
Creditor in person.
Mr.D.S.Sobti, Advocate for the respondent.

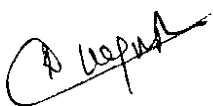
This petition was received by transfer from the Hon'ble High Court. The petition was filed for winding up of the company in terms of Section 433 (e) of the Companies Act, 1956 for inability of the respondent to pay the debt. The petition has been transferred to the Tribunal as the Corporate Debtor was not served when the matter was pending in the High Court. The petition was adjourned sine die on 19.04.2017 for enabling the petitioner to file the requisite information required under Section 9 of the Insolvency & Bankruptcy Code, 2016 relating to the Operational Creditor. Initially the period of sixty days was available to the petitioner w.e.f. 15.12.2016, the date of coming into force of the Companies (Transfer of Pending Proceedings) Rules, 2016, but that period has since been extended



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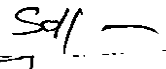
upto 15.07.2017 vide notification dated 29.06.2017 by way of amendment of Rule 5 of the said Rules. The petitioner, however, filed the necessary information in the Registry of the Tribunal on 30.05.2017 and the petition has been listed today after the objections were removed. The Corporate Debtor had sent the copy of petition along with entire paper book/documents by a registered post and the track report is also attached in token of the delivery of the postal article on 31.05.2017. Learned appearing counsel for the respondent submits that the respondent has received the copy of application as well as the entire paper book.

However, the petitioner has not proposed the name of the Interim Resolution Professional as it is not mandatory. Mr. Anuj Gupta, is the sole proprietor of the petitioner concern and has sworn in affidavit dated 30.05.2017 to the effect that the petitioner has not received any notice of dispute in respect of the unpaid operational debt from the respondent-Corporate Debtor. The petitioner has also filed the certificate from Punjab National Bank dated 26.05.2017 maintaining of the account of petitioner, in which the amount received from the respondent-Corporate Debtor is being credited and it is certified that for the period 01.04.2013 till 25.05.2017, an amount of ₹77,00,000/- was received in the account of the petitioner on different dates and no other amount has been received or credited in the account of the petitioner. This certificate is given in order to comply



Section 9 (3) (c) of the Insolvency & Bankruptcy Code, 2016.

Notice of this petition to the respondent and Mr.D.S.Sobti, Advocate, who is present accepts notice on behalf of the respondent. It is submitted that the respondent has already received the application along with the entire paper book. Adjournment is requested to file the response/objections. List the matter for arguments on 20.07.2017. The objections/response, if any, be filed at least two days before the date fixed with copy advance to the other side.


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

 July 07, 2017
Ashwani