

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

CP (IB) NO. 105/Chd/CHD/2017

**Under Section 7 of the Insolvency
and Bankruptcy Code, 2016**

Bharat Food and Agro Products & Anr. ...Petitioner-Financial Creditor

Versus

White Water Hospitality Pvt. Ltd ...Respondent-Corporate Debtor

Present: Mr. Sumit Jain, Advocate with Mr. Yash Pal Gupta & Mr. Aditya Grover, Advocates for petitioner-Financial Creditor.
Mr. Gaurav Mankotia, Advocate for respondent-Corporate Debtor.

Mr. Gaurav Mankotia, Advocate appearing for the respondent-corporate debtor submits that he will be filing Power of Attorney along with resolution of Board of Directors of the company authorising him to appear on its behalf during course of the day. Let the needful be done.

The petitioner has filed compliance by way of affidavit dated 26.10.2017 of Mr. Mohit Dewan, one of the partners of the firm along with copy of Partnership Deed dated 03.04.2008 (Annexure A-1 of Paper Book of the affidavit), GST Form and also copy of application for registration with the Registrar of Firms, Punjab, Chandigarh but it is submitted that the registration certificate was not issued. Learned counsel for the petitioner submits that the petition filed through one of the partners is maintainable even for want of registration. This question remains open to be decided on merits. With the compliance affidavit filed by the petitioner, postal receipt of despatch of postal article containing the notice along with Paper Book, copies of tracking report and e-mail dated 29.10.2017 with which the notice was sent are also attached.

Learned counsel for the respondent seeks time to file reply/objections though the same should have been filed by now as notice of petition was sent vide e-mail dated 29.10.2017.

The matter be listed now for arguments on 17.11.2017. The reply/objections, if any, be filed by the respondent at least one day before the date fixed with copy advance to the counsel for the petitioner.

Sd/-
(Justice R.P.Nagrath)
Member (Judicial)

November 07, 2017
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