

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

**CP NO. 238/2016
R.T. NO. 13/2017**

M/s. Arun Kumar Agarwala

...Petitioner.

Versus

M/s. Swan Aluminiums Private Ltd.

...Respondent

Present: Mr. Yash Pal Gupta, Advocate for petitioner.
None for respondent.

This petition has been filed for winding up of the company under Section 433 (e) of the Companies Act, 2013 on the ground of inability of respondent-company to pay its debts. This petition has been transferred to the Tribunal in terms of Rule 5 of Companies (Transfer of Pending Proceedings) Rules, 2016 which says that after transfer of the case, the matter has to be dealt with in accordance with Part II of the Insolvency and Bankruptcy Code, 2016 and these matters are now to be treated as applications under Sections 7, 8 or 9 of the Code. The proviso to this Rule provides 60 days period from the date of notification dated 15.12.2016 to comply with the provisions of Section 7, 8 or 9 of the Code, failing which the petition has to abate.


Notice sent to the respondent-company by the Tribunal has been received back with the remarks that the addressee has left the premises. Learned counsel for the petitioner submits that the matter was filed in the Punjab and Haryana High Court, but it was not taken up there.

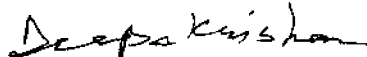
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List the matter for 16.02.2017.


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


(Deepa Krishan)
Member (Technical)

February 14 , 2017

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