

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

**CA NO. 36/2017  
IN  
CP NO. 160/2016  
RT NO. 12/Chd/2017**

M/s. Venkateshwara Hatcheries Private Limited. ....Petitioner.

Versus.

M/s. G.B. Poultry Farm Private Limited. ....Respondent.

Present: Mr. Sumeet Jain, Advocate for petitioner.  
None for respondent.

The instant petition was filed in the Hon'ble Punjab and Haryana High Court under Section 433 (e) of the Companies Act, 1956 for winding up of respondent-company for its inability to pay the debt due to the petitioner. While the matter was pending in the Hon'ble High Court, it was still at the stage of service of the respondent. Learned counsel for the petitioner has filed CA No. 36/2017 with a prayer that notice sent to the respondent-company at the registered office may be considered as deemed service.

Having heard the learned counsel for the petitioner, I am of the view that the matter was still at the stage of service of the respondent when it was pending before the Hon'ble High court.

The petition is adjourned sine die as the petitioner has to comply with the provisions of Rule 5 of the Companies (Transfer of Pending Proceedings) Rules, 2016 read with the Companies (Transfer of Pending Proceedings) Amendment Rules, 2017 notified vide Notification dated 28.02.2017 requiring the petitioner to file appropriate application/requisite information, including details of the proposed Insolvency Professional in the Tribunal within a period of six months commencing from 15.12.2016. In the



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meanwhile if the requisite application/information including details of the proposed Insolvency Professional is filed, the matter be listed immediately thereafter. However, in case the requisite application/information is not filed within the prescribed period of six months, the instant petition shall stand automatically abated.

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

March 20, 2017.  
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