

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

**CP NO. 157/2016
RT NO. 90/Chd/Pb/2017**

Ideal Graphics.Petitioner.

Versus.

M/s. Macin Remedies India Limited.Respondent.

Present: Mr. Sanjeev Patiyal, Advocate for petitioner.
None for respondent.

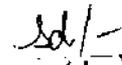
The instant petition was filed in the Hon'ble Punjab and Haryana High Court under Section 433 (e) of the Companies Act, 1956 for winding up of the respondent-company for its inability to pay the debt due to the petitioner.

When the matter was taken up for the first time by the Hon'ble High Court on 30.08.2016, notice to the respondent was directed to be issued for 16.12.2016. As per report of the Registry of the Hon'ble High Court affidavit of service of the respondent was not filed. Learned counsel for the petitioner has filed his affidavit dated 07.03.2017 that notice of the petition was sent to the respondent-company on 23.01.2017 by registered A.D. post. It is thus quite obvious that the notice of petition was not served upon the respondent before coming in force of the Companies (Transfer of Pending Proceedings) Rules, 2016.

The petition is thus 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

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Tribunal within a period of six months commencing from 15.12.2016, the date from which the aforesaid rules came into force. In the 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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