

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

CP (IB) No.94/Chd/Hry/2017

In the matter of:

Nizamiya Construction Pvt. Ltd.Petitioner.

Versus.

Jindal Steel & Power Ltd.Respondent.

Present: Mr. Abhilaksh Grover, Advocate with Mr.Kirpal Singh,
Advocate for petitioner.

Having heard the learned counsel for the petitioner, the following defects are noticed:-

- i) That the petitioner has not attached the copy of the postal receipt and the track report of the postal department in proof of the delivery of the demand notice to the Corporate Debtor.
- ii) The petitioner to attach the certificate from Financial Institution maintaining the account of the Operational Creditor confirming that there is no payment of the unpaid operational debt by the Corporate Debtor to comply with the provisions Section 9 (3) (c) of the IB Code.
- iii) To file affidavit of the Operational Creditor to the effect that no notice has been received from the Corporate Debtor as to the dispute of unpaid operational debt to comply with the mandatory requirement of Section 9 (3) (b) of the IB code.

- iv) To file the track report of the delivery of the copy of the petition along with the entire paper book sent under the postal receipt dated 18.09.2017.

Notice of these defects to the petitioner and the learned counsel for the petitioner accepts notice of these defects. The necessary documents with the affidavits be filed within a period of seven days.

Notice of this petition be also issued to the respondent for 10.10.2017 to show cause as to why this petition be not admitted. The notice be sent by speed post by collecting the same from the registry immediately by attaching the copy of petition and the entire paper book and another set of the notice with the copy of petition at the email address of the Corporate Debtor available on the master data of the company immediately. The petitioner to file affidavit of service/compliance at least two days before the date fixed along with the postal receipt, the track report and also the copy of the email sent to the Corporate Debtor with a specific statement that the email has not bounced back. Copy of this order be given to the petitioner's counsel dasti under the signatures of the Bench Officer.

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

September 25, 2017.
Ashwani