

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

CP (IB) No.31/Chd/HP/2017.

Jeena & Co.

.Petitioner.

Versus.

Inox Wind Limited.

....Respondent.

Present: Ms.Samiya Singh, Advocate for the petitioner.


This petition has been filed under Section 9 of the Insolvency & Bankruptcy Code, 2016 by the Operational Creditor. The learned counsel for the petitioner inter-alia contends that copy of the petition along with entire paper book was sent by registered post to the respondent as per the postal receipt dated 27.05.2017. The petitioner is directed to file an affidavit along with track report of the postal department with regard to the delivery of the envelope containing the application with documents, a day before the next date.

Having heard the learned counsel for the petitioner, it is found that the written communication in Form No.2 by the proposed Interim Insolvency Resolution Professional is not complete, so far as, it relates to para (vi) of the Form. The learned counsel for the petitioner submits that she would look into the format being accepted by this Tribunal and would make the compliance. Further the petitioner has also not attached the bills of lading and the service agreement statedly dated 01.04.2015 entered into between the



parties. Even the applicant has not filed a copy of the certificate from the financial institution maintaining accounts of the operational creditor confirming that there is no payment of an unpaid operational debtor by the corporate debtor, in terms of Section 9 (3) (c) of the Insolvency and Bankruptcy Code, 2016. Notice of these defects as pointed out above is issued to the petitioner and the learned counsel appearing for the petitioner accepts notice of these defects. The same have to be removed within seven days and the documents to be filed along with the affidavit of the authorised representative. The affidavit shall also state as to whether any further reply to the demand notice has been received from the respondent.

The matter is fixed for hearing on 05.07.2017. Notice of the hearing be issued to the respondent. The petitioner shall collect the notice from the Registry by attaching extra copy of the petition and dispatch the same forthwith at the registered office of the respondent-company by speed post and file an affidavit stating the compliance along with the postal receipt and the track report of the postal department.



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

June 27, 2017.
Ashwani