

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

**CP NO. 3/2005  
RT CP (IB) No.183/Chd/HP/2017**

**In the matter of :**

M/s. Jeru Manekshaw Contractor & Anr. ....Petitioners

Versus

M/s Morepan Laboratories Ltd. ... Respondent

Present: None.

Case received by transfer from the Hon'ble High Court of Himachal Pradesh. This petition was filed before the Hon'ble High Court of Himachal Pradesh under Section 433(e) of the Companies Act, 1956 for inability of the respondent to pay the outstanding debt of the petitioner. The petition, apparently was sent to this Tribunal in terms of Rule 5 of the Companies (Transfer of Pending Proceedings) Rules, 2016 which reads as under :-

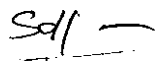
*"All petitions relating to winding up under clause (e) of Section 433 of the Act on the ground of inability to pay its debts pending before a High Court, and **where the petition has not been served on the respondent as required under rule 26 of the Companies (Court) Rules, 1959** shall be transferred to the Bench of the Tribunal established under sub-section (4) of Section 419 of the Act, exercising territorial jurisdiction and such petitions shall be treated as applications under sections 7, 8 or 9 of the Code, as the case may be, and dealt with in accordance with Part II of the Code:*

*Wajra*

*Provided that the petitioner shall submit all information, other than information forming part of the records transferred in accordance with Rule 7, required for admission of the petition under sections 7, 8 or 9 of the Code, as the case may be, including details of the proposed insolvency professional to the Tribunal within sixty days from date of this notification, failing which the petition shall abate."*

The aforesaid period of 60 days has been amended as six months w.e.f. 15.12.2016 as per Companies (Transfer of Pending Proceedings) Amendment Rules, 2017 notified vide Notification dated 28.02.2017.

A perusal of the order dated 05.4.2005 would show that respondent had already appeared before the Hon'ble High Court of Himachal Pradesh and, therefore, in terms of the said Rule, the respondent having been served, this petition be returned immediately to the Hon'ble High Court of Himachal Pradesh for further proceedings

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

June 30, 2017  
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