

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

CP (IB) No.34/Chd/J&K/2017.

In the matter of:

M/s Shiv Pooja Traders

.Petitioner.

Versus.

Jammu Paper Pvt. Ltd.

....Respondent.

Present: Mr.Nonu Khera, Advocate for the petitioner.

This petition is filed under Section 9 of the Insolvency & Bankruptcy Code, 2016 by the Operational Creditor. The registered office of the Corporate Debtor is in Jammu, which falls within the territorial jurisdiction of this Tribunal. The learned counsel for the petitioner, inter-alia, contends that the provisions of the IB Code except Part III thereof extends to whole of India. It is further contended that the petitioner is a proprietorship concern with Mr. Pawan Choudhary as the sole proprietor. Learned counsel further submits that the name of the Interim Resolution Professional has not been proposed. The learned counsel further submits that part payment towards the outstanding amount to the tune of ₹10 lacs was made by the Corporate Debtor on 24.09.2014, as per the books of account relied upon by the petitioner. The learned counsel also submits that before filing this petition, a Demand Notice was sent in Form No.4 of the Insolvency & Bankruptcy (Application to the Adjudicating

(Signature)

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Authority) Rules, 2016 along with all the invoices and there is delivery report in token of the respondent having received the notice. The learned counsel further submits that the copy of the petitioner along with the entire paper book was despatched at the registered office of the respondent company vide postal receipt dated 15.05.2017.

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

- i) Sr.No.6 of part V of the Application Form is required to be corrected with regard to the provision of law, contract or other document under which the operational debt has become due, as discussed.
- ii) The petitioner has even not filed the copy of certificate from the financial institutions maintaining the accounts of the petitioner/operational creditor confirming that there is no payment of an unpaid operational debt by the corporate debtor in terms of clause 3 (c) of Section 9 of the Code.

The notice of above defects to the petitioner and learned counsel appearing for the petitioner has accepted the notice on behalf of petitioner. Let the defects be removed by way of affidavit of the petitioner within seven days. The petitioner is also directed to file affidavit along with the track report of the delivery of the envelope containing the petition along with the paper book at least a day before the next date.

Accepted

Notice of this petition be also sent to the respondent for 10.07.2017. The petitioner would collect the notice from the Registry and despatch the same by attaching copy of the petition to the respondent by speed post and file an affidavit stating the compliance along with the track report. Dasti as well.

Sdf —

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

Ashwani
June 30, 2017.
Ashwani