

(15)

**NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH
CHENNAI**

**ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 04/08/2017 AT 10.30 AM**

**PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL
SHRI S. VIJAYARAGHAVAN, MEMBER-TECHNICAL**

**APPLICATION NUMBER :
PETITION NUMBER : TCP/355/ (IB)/2017
NAME OF THE PETITIONER(S) : BENAKA MINERALS TRADING PVT LTD
NAME OF THE RESPONDENT(S) : SUN PAPER MILL LTD
UNDER SECTION : 433 (e)(f)**

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
		REPRESENTATION BY WHOM	

1.	M/S.K.K.MURRATHARAN	for Respondent	
2.	K. Krishnaswamy	for petitioner	

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ORDER

Counsel for Petitioner present. Counsel for Respondent also present. Counsel for Petitioner has produced an order dated 18.10.2016 passed by the Hon'ble High Court of Madras in CP No.298/2015, in M/s. Benaka Minerals Trading Pvt. Ltd. vs M/s. Sun Paper Mills Ltd. The Hon'ble High Court of Madras is already seized of the matter. In the notification dated 07.12.2016, it has been mentioned that all the 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 the Hon'ble 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. On perusal of the same, it appears that the petition has been filed under section 433 (e) of the Companies Act, 1956 and the notice has been served on the Respondent and the Hon'ble High Court is seized of the matter. Therefore, in the light of this, the **Registry** of this Bench is directed to send the matter back to the **Registry** of the Hon'ble High Court for appropriate action at their end.



(S. VIJAYARAGHAVAN)
MEMBER (TECHNICAL)
ghk


(CH. MOHD. SHARIEF TARIQ)
MEMBER (JUDICIAL)