

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD**

CP (IB) No.216/9/HDB/2017
Under Section 9 of the IBC, 2016 r/w Rule 6 of I&B
(Application to Adjudicating Authority) Rules, 2016

In the matter of

M/s. TCI Freight
(A division of Transport Corporation of India)
Regd. Office at Flat No.306 & 307,
1-1-8-201-203, 3rd Floor,
Ashoka Bhoopal Chambers,
S.P. Road, Secunderabad
Rep. by Mr.Jale Singh, Regional Manager.

....Applicant /Operational Creditor

Versus

M/s. UI Pipe Fittings Private Limited
Regd. Office at 2nd Floor,
MIGH No.631, KPHB Colony,
Phase 1&2, Kukatpally,
Hyderabad, Telangana.

...Respondent / Corporate Debtor

Date of Order : 16.10.2017

CORAM:

Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Counsels Present:

For the Operational Creditor	:	Shri Vikram Ragi Shri M.Babu
For the Corporate Debtor	:	None appeared

Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. M/s. TCI Freight (A Division of Transport Corporation of India) having it's Regd. Office at Flat No.306 & 307, 1-1-8-201-203, 3rd Floor, Ashoka Bhoopal Chambers, S.P. Road, Secunderabad and CIN L70109TG1995PLC0191G16.

2. The Operational Creditor has filed the present application under Section 9 of the Insolvency and Bankruptcy Code, 2016 r/w Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 as the Corporate Debtor is indebted to Operational Creditor for the Principal amount of Rs.6,20,117/- and interest upto date of petition i.e. 31-07-2017 of Rs.1,36,400/- aggregating to totaling of Rs.7,56,400/-.

Brief facts of the case are as follows:-

3. The Corporate Debtor approached the Operational Creditor for transportation of their consignments to various places in India as per the directions of the Corporate Debtor. The Operational Creditor has raised Invoices / Bills in proportion to the work carried on and the same was duly received by the Corporate Debtor.
4. The Operational Creditor has raised the following Invoices on the Corporate Debtor as mentioned below:-

Sl.No.	Bill No.	Date of Bill	Debt Fell Due	Bill Amount
1	150086081	14.07.2015	25.09.2016	26,050/-
2	150086336	17.07.2015	26.09.2016	99,500/-
3	150086658	22.07.2015	17.09.2016	25,008/-
4	150088847	21.08.2015	25.03.2016	30,218/-
5	150090312	08.09.2015	30.11.2015	32,302/-
6	150092760	10.10.2015	24.12.2015	5,939/-
7	150072499	31.01.2015	01.04.2015	82,600/-
8	150077816	31.03.2015	29.05.2015	79,500/-
9	150077817	31.03.2015	03.06.2015	53,000/-
10	150080271	30.04.2015	09.06.2015	87,000/-
11	150080272	30.04.2015	09.06.2015	75,000/-
12	150023865	30.09.2016	21.11.2016	24,000/-
Total				6,20,117/-

5. The Operational Creditor has sent Demand Notice / Invoice Demanding payment under the IBC, 2016 in Form-3 to the Corporate Debtor, Managing Director and Director on 24-04-2017 for non-payment of outstanding amount of Rs.6,20,117/- and interest @ 24% per annum shall also be payable, within 10 days from the date of receipt of the Notice.



6. The Operational Creditor has sent Demand Notice / Invoice Demanding payment under the IBC, 2016 in Form-4 to the Corporate Debtor, Managing Director and Director on 24-04-2017 for non-payment of outstanding amount of Rs.6,20,117/- and interest @ 24% per annum shall also be payable, within 10 days from the date of receipt of the Notice. In the event of the debt due is not paid within stipulated days, the Operational Creditor will file an application before the Hon'ble Tribunal for initiating Corporate Insolvency Resolution Process under Section 9 of the IBC, 2016.

7. The Operational Creditor is having Bank Account with HDFC Bank. On 19-07-2017, HDFC Bank has confirmed that no amounts have been received in the account of Operational Creditor from any account bearing the name of UI Pipe Fittings Pvt. Ltd.

8. As per the records available in the Petition in Company Master Data, UI Pipe Fittings Private Limited is incorporated on 18-09-2006 as a Company Limited by Shares and its Authorised Capital is Rs.3,00,00,000/-, Paid-up Capital is Rs.2,85,92,500/-



प्रमाणित प्रति
CERTIFIED TRUE COPY
संख्या
CASE NUMBER CP (IB) / No. 216/9/2017
दिये का तारीख / DATE OF JUDGEMENT 16.10.2017
तैयार किया गया तारीख / MADE READY ON 29.12.2017

9. The case was listed before the Adjudicating Authority for the first time for admission on 04-10-2017 and subsequently listed on 10-10-2017 and 16-10-2017. On 16-10-2017, CP is dismissed for default.

10. As discussed above, none appeared for the Petitioner on various dates when the matter was listed as stated above. On 10.10.2017, when the matter was posted, even that day also none appeared for the petitioner.

The matter was subsequently posted on 16.10.2017 under the caption for dismissal and even on that day none appeared. The Daily Cause List is displayed on the website of NCLT. However, none appeared on all the above dates. Therefore, it can be safely concluded that the petitioner is not interested in pursuing the matter and there is no other option for the Adjudicating Authority except to reject the application for non-prosecution of the case. Accordingly the Adjudicating Authority rejected the application for non-prosecution.

11. No order as to costs.


RAVIKUMAR DURASAMY
MEMBER (TECHNICAL)


RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

Dy. Regr./Asst. Regr./Court Officer/
National Company Law Tribunal, Hyderabad Bench