

**NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI**

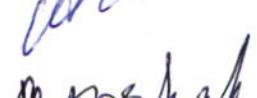
T.C.P No. 845/(MAH)/2017

CORAM: Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)
SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 14.11.2017

NAME OF THE PARTIES: Blue Jewels
V/s.
Bella Jewellery Pvt. Ltd.

SECTION OF THE COMPANIES ACT: I & BP Code 2016.

S. No.	NAME	DESIGNATION	SIGNATURE
	Amiit Shroff	Adv. for Petitioner	
	M. A. Shah i/d no. 110000000000 LAW	Adv. for Respondent <u>ORDER</u>	

TCP No.845/I&BP/NCLT/MB/MAH/2017

For the Petitioner as well as the Corporate Debtor company have together stated that notice under Rule 26 of the Company Rules has already been served upon the Company while this winding up petition was pending before the Hon'ble High Court of Bombay, now the point clarified by the Petitioner side is since the Hon'ble High Court of Bombay in CP No.331 of 2016 between West Hills Realty Pvt Ltd. Vs. Neelkamal Realtors Tower Pvt Ltd. on 20.12.2016 and in CP No.332 of 2016 between Ravi Ghai and Geeta Ghai Vs. Neelkamal Realtors Tower Pvt. Ltd. on 17.1.2017 clarified that if notice has already been served upon the Corporate Debtor/Company even by the Petitioner under Rule 26 of the Company Rules, it has to be conceived as service upon the Respondent equivalent to service under Rule 26.

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In view of the observation made by the Hon'ble High Court of Bombay in the case supra, in this case, the petitioner having served notice upon the Respondent on 21.11.2016, i.e. before transfer of this case to this Bench, we are of the view that the jurisdiction to try this matter lies with the Hon'ble High Court of Bombay not with NCLT, whereby the Registry of NCLT is hereby directed to send back this matter to the Registry of Hon'ble High Court of Bombay within one week hereof.

Sd/-

V. NALLASENAPATHY
Member(Technical)

Sd/-

B. S. V. PRAKASH KUMAR
Member (Judicial)