

IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI
COURT-III

IB-568/ND/2017

In the matter of :

JJ Plastalloy (P) Ltd.

....PETITIONER

Vs.

RK Polytex (P) Ltd

.. RESPONDENT

SECTION :

Under Section 9 of IBC Code, 2016

Order delivered on 25.1.2018

Coram :

R. VARADHARAJAN,

Hon'ble Member (Judicial)

For the Petitioner /applicant

: Mr. Kaustav Saha, Advocate

For the Respondent/Corporate Debtor

For the Intervener

:

ORDER

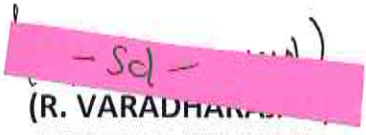
Learned Counsel for the petitioner is present. Ld. Counsel for the petitioner represents that in compliance to the Order dated 20.12.2017 passed by this Tribunal, notice has been duly dispatched to the Corporate Debtor, however, upon the examination of postal endorsements, it is seen that the consignment has remained 'unclaimed'. It is further pointed out by the Counsel for the petitioner in relation to the notice that an advance copy of the application has been duly served as evidenced from the affidavit filed by him vide diary No.3154 dated 18.12.2017.

Since an advance copy of the application seems to have been sent and served as well as notice under Section 8 of the IBC Code, 2016 which had also been received by the Corporate Debtor at the same address as evidenced from



Contd.

the reply sent, this Tribunal is of the considered view that the subsequent notice issued has been deliberately not received by the Corporate Debtor. In the circumstances, since enough opportunities had been given to the Corporate Debtor which had not been availed, this Tribunal ^{is} ~~was~~ constrained to hear the matter in its absence. Heard Learned Counsel for petitioner and Order is reserved.


(R. VARADHARAN)
MEMBER (JUDICIAL)

Surjit
25.1.2018