

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

IB-490/ND/2017

In the matter of :

Oriental Containers

.. PETITIONER

Vs.

Mount Shivalik Industries Limited

.. RESPONDENT

SECTION :

Under Section 9 of IBC Code, 2016

Order delivered on 29.1.2018

Coram :

R. VARADHARAJAN,

Hon'ble Member (Judicial)

For the Petitioner /Op. Creditor

: Ms. Anshula Grover, Advocate

For the Respondent/Corporate Debtor :

ORDER

Learned Counsel for the petitioner is present and moves Application in CA No.17/C-III/ND/2017 for seeking to condone the delay of 13 days in filing the Banker's Certificate dated 12.12.2017 issued by the Central Bank of India.

Taking into consideration the Judgment of the Hon'ble Supreme Court of India in the matter ^{of} Surendra Trading Company versus Juggilal Kamalpat Jute Mills Limited & Ors (2017)/205 Comp Cas 119 (SC) and also considering the reasons for delay as explained in the application, the delay of 13 days in filing the Banker Certificate stands condoned.

Contd.

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In relation to the service of notice under Section 8 under the provisions of IBC Code, 2016, Ld. Counsel for the petitioner points out that the acknowledgement AD received from the Corporate Debtor has been duly enclosed vide diary No.2851 dated 23.11.2017.

In relation to service of notice of an advance copy of the application, it is represented by the Ld. Counsel for the petitioner that the same has also been served and a short date may be given to file the affidavit of service along with the Tracking report.

Let the same be filed before the next date of hearing which is fixed on 13.2.2018. In the meanwhile, the petitioner is also directed to take one more notice to the Corporate Debtor at its registered office in relation to the next date of hearing by Post and the proof of dispatch along with the Tracking report in relation to said notice may also be enclosed along with an affidavit of service. Let the notice be taken within a period of one week.

List on 13.2.2018.

Surjit
29.1.2018


(R. VARADHARAJAN)
MEMBER (JUDICIAL)