

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

Item No. 4
(IB)-983(PB)/2019

IN THE MATTER OF:

M/s. Shrinath Rotopack (P) Ltd.

.... Applicant/petitioner

v.

M/s. Shakti Bhog Foods Ltd.

.... Respondent

Order under Section 9 of Insolvency & Bankruptcy Code, 2016

Order delivered on 23.04.2019

Coram:

CHIEF JUSTICE (RTD.) M. M. KUMAR
HON'BLE PRESIDENT

SH. S. K. MOHAPATRA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner(s):-

Mr. Rohit Rathi, Adv.

ORDER

A demand notice under Section 8 by the Operational Creditor was issued on 26.02.2018 to the corporate debtor through its managing director Mr. Kewal Krishan Kumar. However, it has been stated by the counsel for the corporate debtor that Official Liquidator was appointed by Hon'ble High Court of Delhi in January, 2018.

If that be so then the demand notice should have been directed to the Official Liquidator as the official liquidator alone can represent the corporate debtor.

In view of the above, all relevant documents including the order of Hon'ble High Court of Delhi, Master Data of the Corporate Debtor and any other document be placed on record so as to determine the validity of the notice issued under Section 8 of the Code. The needful shall be done within a week.

List on 08.05.2019.

Sd/-

(M. M. KUMAR)
PRESIDENT

Sd/-

(S. K. MOHAPATRA)
MEMBER (TECHNICAL)