

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 102
(IB)-1006(PB)/2020

IN THE MATTER OF:

Liquidator of M/s. Kanhai Associates Pvt. Ltd.
v.
ROC NCT of Delhi

.... Applicant/petitioner
.... Respondent

Order under Section 60(5) of Insolvency & Bankruptcy

Order delivered on 17.11.2020

CORAM:

SH. B.S.V. PRAKASH KUMAR
HON'BLE ACTG. PRESIDENT

SH. HEMANT KUMAR SARANGI
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant

Mr. Sanket Gupta, Adv.

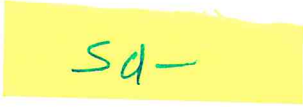
ORDER

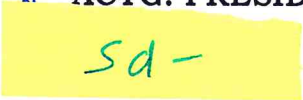
It is an application [IB]-1006(PB)/2020] filed seeking a direction against the RoC, NCT of Delhi based on withdrawal of the voluntary liquidation application filed before this Bench in the year 2016.

Looking at the application, it appears to us, as to filing forms, jurisdiction lies with RoC, if at all RoC fails to comply with the law, the party is at liberty to take recourse as stated in Companies Act, but not come over to here for a direction against RoC.

Filing forms fall within the domain of Companies Act, not under IBC. Therefore, we have no authority to give any such direction under the cover of Section 60(5) of the Code against an Authority, over which appellate Authority is Central Government, therefore this [IB]-1006(PB)/2020 is hereby **dismissed as misconceived.**

IA-4470/2020 filed for urgent hearing of [IB]-1006(PB)/2020 is hereby **disposed of.**


(B.S.V PRAKASH KUMAR)
ACTG. PRESIDENT


(HEMANT KUMAR SARANGI)
MEMBER (TECHNICAL)