

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI

COURT-V

Item No.-306
IB-2419/ND/2019

IN THE MATTER OF:

Anupam Kumar Thakur
Vs
M/s Asian Developers Ltd.

....Applicant

....Respondent

SECTION

Under Section 7 of IBC, 2016

Order delivered on 19.11.2019

CORAM:

SHRI ABNI RANJAN KUMAR SINHA
HON'BLE MEMBER (JUDICIAL)

MS. SUMITA PURKAYASTHA,
HON'BLE MEMBER (TECHNICAL)

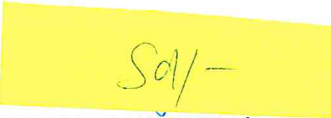
PRESENT:

For the Applicant : Adv. Nikunj Hurria
For the Respondent :


ORDER

Ld. Counsel for the petitioner has put in appearance and submitted that the company's name was struck off in the year 2018 but this fact was not brought to the notice of the Adjudicating Authority nor mentioned in the application filed by the applicant. Ld. Counsel for petitioner further submitted that notice which was sent on the registered address of the CD was returned with a note that the address was incorrect and thereafter, he sent the notice on the e-mail ID of the Directors but from the document enclosed by the applicant at Page No. 9 of the service report, it appears that the term of the Directors has already been expired on 18.02.2017, 31.03.2017 & 19.05.2018 respectively. So the service of notices on address of these directors are not sufficient.

~~Since~~ The applicant had not brought to the notice of the Adjudicating Authority regarding the struck off of company. Under such circumstances, this Adjudicating Authority directs the applicant to take steps for the substituted service by publishing the notice in the local newspaper where the registered office of the CD is situated. The order dated 23.10.2019 wherein the respondents were proceeded ex-parte stands modified. List on 19.12.2019.


(SUMITA PURKAYASTHA)
MEMBER (T)

CG


(ABNI RANJAN KUMAR SINHA)
MEMBER (J)