

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.107
C.P.(IB)/179(AHM)2023

Proceedings under Section 9 IBC

IN THE MATTER OF:

Shreenathji Tradecorp Pvt Ltd

.....Applicant

V/s

Maya Construction Company Pvt Ltd

.....Respondent

Order delivered on: 13/05/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)

Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Pranav D Thakkar, Adv.

For the Respondent : Mr. Dhruv Kiran Dave, Adv.

ORDER

1. This application was filed on 21.06.2023 under Section 9 of the Insolvency & Bankruptcy Code 2016 (hereinafter referred to as "IBC, 2016") read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (hereinafter referred to as "IB (AAA) Rules, 2016") for initiation of Corporate Insolvency Resolution Process (CIRP) against the Respondent, to appoint Interim Resolution Professional (hereinafter referred to as "IRP") and declare the moratorium for having defaulted in payment of alleged operational debt amounting to Rs.2,95,96,635/- including interest.
2. This Tribunal vide order dated 01.08.2023 issued notice to the respondent inviting reply in the matter which was filed on 30.11.2023. The applicant also filed Form-C of NeSL. However, Form-D (NeSL Certificate), being record of default was not filed along with the petition.
3. On 24.01.2024, 21.02.2024, 18.03.2024, 22.04.2024 learned counsel for the applicant again and again sought more time to place on record Form-D being record of default.

4. Today the applicant submitted that the rejoinder has been filed through e-mode on Saturday 11.05.2024 and physical copy is yet to be filed. However, Form-D has not yet been filed as there are certain errors in the form-C itself. Hence, Ld. Counsel for the Applicant again sought more time to place on record Form-D being record of default.
5. Since, Form-D being record of default has not been filed despite availing various opportunities as stated above. We are not inclined to grant any more time for the same. We consider this application incomplete and defective in terms of Order dated 03.04.2023, file No.25/02/2023-NCLT issued by the NCLT, Delhi for effecting hearing of the cases.
6. Accordingly, **C.P.(IB)/179(AHM)2023** is dismissed being defective & incomplete.

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SAMEER KAKAR
MEMBER (TECHNICAL)

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SHAMMI KHAN
MEMBER (JUDICIAL)