

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

ITEM No.302
IA/40(AHM)2023 in
C.P/23(AHM)2021

Order under Section 281(1) & 285 of Co. Act,2013

IN THE MATTER OF:

Mr. Manish Santosh Buchasia
Liquidator of
KG Intimatewear Private Limited

.....Applicant

.....Respondent

Order delivered on: 21/11/2023

Coram:

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

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The case is fixed for pronouncement of the order. The order is pronounced in the open court, vide separate sheet.

-SD-

SAMEER KAKAR
MEMBER (TECHNICAL)

-SD-

SHAMMI KHAN
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH - I, AHMEDABAD**

**IA/40(AHM)/2023 in
CP/23(AHM)/2021**

Under Section 281(1) & 285 of the Companies Act, 2013

In the matter of **KG Intimatewear PVT. LTD.**

**Mr. Manish Santosh Buchasia,
Liquidator of KG Intimatewear Private Limited**

CIN: U18109GJ2003PTC053442

Reg. Off:

306, 3rd Floor, 'Gala Mart',
Nr. Sobo Centre,
Before Safal Parisar,
above SBI/Union Bank/Hindmart,
South Bopal, Ahmedabad,
Gujarat- 380058.

... Applicant

Order Pronounced On: 21.11.2023

CORAM:

**SH. SHAMMI KHAN, MEMBER (JUDICIAL)
SH. SAMEER KAKAR, MEMBER (TECHNICAL)**

Appearance:

For Applicant(s): Ms. Noopur Dalal, Advocate

ORDER

Per: Bench

1. This is an application filed by the Liquidator of KD Intimatewear Pvt. Ltd. (Corporate Debtor) seeking the following prayers:
 - i. That this Honourable Tribunal may graciously be pleased to allow the present Application and may condone the delay in filing of the Report, up to the date of filing this application as per section 281 of the Companies Act, 2013 and the report of the liquidator as per section 281 of the Companies Act, 2013 be taken on record;
 - ii. That this Honourable Tribunal may be pleased to dispense with the requirement of settlement of contributories as per provisions of 281 of Companies Act, 2013 as there are no contributories liable to contribute towards

assets of the company in the event of being wound up and fixed assets in the company;

iii. That this Honourable Tribunal may be pleased to direct the Applicant to proceed with the filing of Dissolution Application;

iv. Pass such other order/orders direction/directions as may deem just and proper.

2. This Application is filed in CP/23/AHM/2021 by the Liquidator under Section 281(1) and Section 285 of the Companies Act, 2013 for filing the Report of the Company Liquidator along with the List for Settlement of Contributors.

3. It is stated by the Applicant that due to the oversight the applicant has failed to file the report under section 281(1) of the Companies Act, 2013 within 60 days of passing of the Winding Up Order. Applicant has prayed for Condonation of delay.

3. Under para-12 of the Application, it is stated that there are no contributories liable to contribute towards

assets of the company in the event of being wound up or fixed assets of the company hence the requirement of the settlement of the list of the contributories and application of assets does not apply in the present case.

4. In view of the above averments, the delay in filing the Report under Section 281(1) of the Co. Act,2013 is Condoned and the Prayers mentioned in (i), (ii)&(iii) are allowed.

5. With the above direction, the present application is disposed of.

-SD-

**SAMEER KAKAR
MEMBER (TECHNICAL)**

-SD-

**SHAMMI KHAN
MEMBER (JUDICIAL)**

Shubhanshu/LRA