

THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH

Item 43

IA No. 983/23, a/w 295/21
in
CP(IB) No. 19/Chd/Hry/2019
(Admitted)
Under Section 9 & 66, & 60(5)IBC 2016

In the matter of:-

A.O Smith India Water Products Pvt. Ltd. ...Petitioner-Operational Creditor

Vs.

Dawar International Electronics Pvt. Ltd. ...Respondent-Corporate Debtor

Present: Mr. Balwinder S. Kalsi, Advocate for the applicant in IA No. 983/23.
Mr. Viren Sharma, Advocate for the Respondents.

Heard the learned counsel. In pursuance of order dated 16.06.2023 Compliance affidavit has been filed vide Diary No. 03122/2 dated 14.07.2023. The same is taken on record. It is stated by learned counsel for the applicant that this petition before the Civil Court is still pending and amended plaint in Civil Suit No. CS/446/2018 shows that one Sh. Ajay Juneja is a plaintiff and Ajay Juneja is also registered as Respondent No. 6 in the present application. It is also seen that defendant in the said suit Mr. Reshmi Dawar and Mr. Virendra Dawar also read as Respondent No. 2 and 1 respectively in the present application. It is also informed by learned counsel for the applicant that the Civil suit before the Civil Judge, Senior Division, Gurugram is coming for hearing on 11.09.2023. Learned counsel for the petitioner is directed to file an affidavit that the respondents in the present application are not covered in the decision of *Hon'ble Supreme Court of India in the case of Gluckrich*

Capital Private Limited Vs. The State of West Bengal & Others. “Citation” Learned counsel for the applicant is directed to file a note justifying the issuance of notice to the parties, if required be filed within two weeks. List on 13.09.2023.

Sd/-

**(Subrata Kumar Dash)
Member (Technical)**

August 22, 2023
PKA

Sd/-

**(Harnam Singh Thakur)
Member (Judicial)**