

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-III

Item No.204
IB-163(ND)/2021

IN THE MATTER OF:

M/s Shree Nath Marble & Tiles

Vs.

M/s Elegant Infracon Pvt. Ltd

... **APPLICANT/PETITIONER**

...**RESPONDENT**

SECTION

U/s 9 IBC code 2016

Order delivered on 15.11.2022

CORAM:

DR. BINOD KUMAR SINHA
MEMBER (TECHNICAL)

SHRI BACHU VENKAT BALARAM DAS
MEMBER (JUDICIAL)

PRESENT:

For the Applicant :

For the Respondent : Mr. Amit Sinha, Advocate

ORDER

None appears for the Operational Creditor.

On 10.03.2021, time was granted to the Operational Creditor to seek instructions with regard to preliminary objections raised by the Corporate Debtor about the maintainability of the matter.

Thereafter on 23.07.2021, the Counsel for the Operational Creditor again prayed for time to file an affidavit with regard to the maintainability of the petition and the matter was adjourned to 10.09.2021. The Operational Creditor filed an affidavit on 03.09.2021.

None appears for the Applicant. Mr. Amit Sinha, Ld. Counsel appeared on behalf of the Corporate Debtor.

We have gone through the affidavit filed by the Applicant and see no reason to entertain this application. Since we find that the threshold value in the matter has not been met.

Accordingly, the petition is **dismissed** for non-prosecution as well as on the issue of maintainability.

—Sd—

(DR. BINOD KUMAR SINHA)
MEMBER (TECHNICAL)

—Sd—

(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)