

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT – IV

Item No. 404
IB/567/ND/2021

IN THE MATTER OF:

Climax Enterprises Pvt Ltd	...	Applicant
Versus		
Super Aays Pvt Ltd	...	Respondent

Order under Section 9 of IBC, 2016.

Order delivered on 13.03.2023

Coram:

MR. ASHOK KUMAR BHARDWAJ,
HON'BLE MEMBER (JUDICIAL)
DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Gulshan Kumar, Adv.
For the Respondent :

ORDER

In the reply filed on behalf of the respondent, It could be espoused that after removal of objection/defects raised by the registry, the petition was re-filed on 27.03.2021 i.e. much after 24.03.2020 thus in view of the judgment of the Delhi High Court in United Insurance Co. Ltd. vs. Manish Kumar Gupta OMP.1127/2013, the date of filing has to be considered as 27.03.2021 i.e. after 24.03.2020. The further plea put forth in the reply is that as the amount of default being 22,35,533/- is much less than the limit of threshold amount of Rupees One Crore, the petition re-filed after 27.03.2021 is not maintainable and has to be rejected. Confronted with the plea, Learned Counsel for the petitioner seeks an opportunity to satisfy/convince this Tribunal that the present petition is still maintainable.

At his request, hearing is deferred to 10.04.2023.

Sd/-
DR. BINOD KUMAR SINHA
MEMBER (TECHNICAL)

Mukesh

Sd/-
ASHOK KUMAR BHARDWAJ
MEMBER (JUDICIAL)