

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

ITEM No.101
C.P.(IB)/113(AHM)2022

Proceedings under Section 7 IBC

IN THE MATTER OF:

Shirijay Infra Pvt Ltd

.....Applicant

V/s

Trans Polyurethane Pvt Ltd

.....Respondent

Order delivered on: 13/09/2023

Coram:

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

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

PRESENT:

For the Applicant : Ms. Mily Ghoshal, Adv.

For the Respondent : Ex-parte

ORDER

In compliance of order dated 20.06.2023, the applicant has filed additional affidavit on 23.08.2023 vide inward diary No. 3140, wherein applicant has annexed another copy of the deed of assignment claiming to be dated 15.05.2021 notarised through another notary as well as copy of the ledger account from the year 2014 to 2022, copy of the letter dated 13.04.2021, copy of certificate of statutory auditor, dated 23.06.2023 and copy of filing details.

After brief hearing on this additional affidavit, the Ld. Counsel for the applicant was not able to convince the actual proof of disbursement of amount of loan as no bank statement is annexed of the original lender. Further, no record of Information Utility (NeSL Certificate) has been filed qua the debt and default in terms of Regulation 20(1A) of IBBI (Information Utilities) Regulation, 2017.

The applicant has claimed that this debt was assigned by the original lender to the applicant through assignment deed claiming to be dated 15.05.2021. In reply to question from the Bench, the counsel for the applicant submitted that this loan was interest free and no interest has been neither charged nor claimed.

Let the proof of payment of consideration by the present applicant to the assigner as well as copy of the NeSL Certificate in terms of Regulation 20(1A) be filed. Ld. Counsel seek & granted four weeks to comply with the direction.

List the matter on 20.10.2023.

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SAMEER KAKAR
MEMBER (TECHNICAL)

-SD-

SHAMMI KHAN
MEMBER (JUDICIAL)