

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

ITEM No.113
C.P. (IB)/128(AHM)2024

Proceedings under Section 9 IBC

IN THE MATTER OF:

BELGIUM GLASS AND CERAMICS PRIVATE LIMITED
Vs
LEXUS GRANITO (INDIA) LIMITED

.....Applicant

.....Respondent

Order delivered on 16/04/2024

Coram:

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

PRESENT:

For the Applicant :Mr. Ritesh D Patadia, Advocate
For the Respondent :

ORDER

This is an application filed under Section 9 of the Insolvency & Bankruptcy Code 2016 (hereinafter referred to as "IBC, 2016") read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

On perusal of Part-IV of the Form-5 reveals that exact date of default is not mentioned in column 2 (2.2) in terms of Regulation 2D of IBBI (CIRP) Regulation, 2016. Further, no proof of delivery of the statutory Demand Notice dated 15.04.2023 has been filed in terms of section 9(3)(a) of IB Code, 2016 r.w. Rule 5(2)(a) or (b) of the I&B (AAA), Rules, 2016.

Further, Form-D being Record of Default of NeSL Certificate has also not been filed in terms of IBBI (IU) Regulation, 2017.

Learned counsel for the applicant seeks indulgence to amend the Form-5 by mentioning the exact date of default as well as to place on record the proof of delivery of the statutory Demand Notice in terms of Rule 5(2)(a) or (b) of the I & B (AAA), Rules, 2016 and Form-D being Record of Default of NeSL Certificate has also not been filed in terms of IBBI (IU) Regulation, 2017.

Being petition is incomplete an opportunity is given to file and rectify the defects within seven days in terms of proviso of section 9(5)(ii) of the IBC, 2016..

Re-list on 10.05.2024.

-Sd-

SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-

SHAMMI KHAN
MEMBER (JUDICIAL)