

NATIONAL COMPANY LAW TRIBUNAL

COURT ROOM NO. 1,

MUMBAI BENCH

Item No. 11

C.P.(IB)267/MB/2020

CORAM:

SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **31.10.2023**

NAME OF THE PARTIES: **AMBICA SCREEN PRINTS V/s INCOTEX**
IMPEX PVT. LTD

Section 9 of the Insolvency and Bankruptcy Code, 2016

ORDER

C.P.(IB)267/MB/2020

- 1) None present for the Operational Creditor when the matter is called out. Ms. Mily Ghoshal, Ld. Counsel for the Corporate Debtor is present.
- 2) Ld. Counsel for the Corporate Debtor prays for dismissal of the main Company Petition contending that the Operational Creditor is not appearing in the present matter.
- 3) The above said submissions of the Counsel for the Corporate Debtor found substantiated after referring to the order of this Bench dt. 07.07.2023, 04.08.2023,

05.09.2023 and 10.10.2023, on which dates, the Operational Creditor, except on 04.08.2023, was not present.

- 4) In fact, the matter is listed today on Board for passing dismissal order of the Company Petition, as per order of this Bench dt. 10.10.2023. The relevant para of the order dt. 10.10.2023, is quoted below for the convenience.

“None present for the Operational Creditor, when the matter is called out. Ms. Mily Ghoshal, Ld. Counsel for the Corporate Debtor is present. Last opportunity is granted to the Operational Creditor to appear before the Bench and argue their case, failing which this Bench shall left with no option except to dismiss the Company Petition for want of prosecution”.

- 5) In that view of the matter and taking note of the order of this Bench dt. 10.10.2023, the continuous absence on the part of the Operational Creditor further strengthens the belief of this Bench that the Operational Creditor is no more interested to prosecute their claim further.

- 6) Therefore, this Bench dismiss the present Company Petition bearing CP (IB) No. 267 of 2020, for want of prosecution. In view of the dismissal of the Company Petition, all the pending Interlocutory Applications, if any, arising out of the present Company Petition, stands closed. File be consigned to record. There would however be no order as to costs.

Sd/-

PRABHAT KUMAR
MEMBER (TECHNICAL)

Sd/-

JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)