

NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

202. C.P. (IB)/1137(MB)2020

IN THE MATTER OF

M/S. Manhar Trading Corporation

VS

M/s. Supertharm Engineers Pvt. Ltd

U/s 9 of the Insolvency and Bankruptcy Code, 2016

Order Delivered on 06.02.2024

CORAM:

MS. REETA KOHLI
MEMBER (J)

MS. MADHU SINHA
MEMBER (T)

Appearance through VC/Physical/Hybrid Mode:

For the Petitioner: None

For the Respondent: None

ORDER

The present Company Petition is filed in the year 2020 and the same has been pending adjudication. We have perused the contents of the petition. The Respondent has filed the reply and contended as under:

- a) The Demand Notice was never served upon them.
- b) No date of default is given in Part-IV of the petition and also in the Demand Notice.
- c) Invoices of purchase orders are fabricated.
- d) Petitioner has already filed a Civil Suit before the Hon'ble Bombay High Court and the same is still pending.

- e) The threshold limit for filing the petition under IBC stood increased from 24.03.2020 to one crore. This petition is filed on 30.07.2020 for sum of Rs. 18,24,483/-
- f) The purported pending invoice dated 29.06.2017 and the petition was filed on 30.07.2020. Thus, it was filed beyond the limitation period.

In view of the above submissions we are of the considered opinion that, the present petition deserves no consideration and hence **dismissed**.

Sd/-
MADHU SINHA
Member (Technical)

Shubham

Sd/-
REETA KOHLI
Member (Judicial)