

IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH, BENGALURU
[Through Physical hearing/VC Mode (Hybrid)]

ITEM No.09
C.P.(IB) No.126/BB/2023

IN THE MATTER OF:

J C Electronica Private Limited ... Petitioner
Vs
NA Bhutho Na Bhavisyathi Tech Private Limited ... Respondent

Order under Section 9 of Insolvency & Bankruptcy Code, 2016

Order delivered on: 16.02.2024

CORAM:

SHRI K. BISWAL
HON'BLE MEMBER (JUDICIAL)

SH. MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner : Shri Abhishek Yadav
For the Respondent : Shri Mohan

ORDER

1. Heard the Ld. Counsel for the Petitioner and Respondent.
2. In compliance to the order dated 21.01.2024, the Petitioner Counsel has filed the rejoinder vide Dy No. 644 dated 30.01.2024 and the same is taken on record.
3. Heard the submissions of both the Ld. Counsels. Considering the submissions, it is noticed that the petition is filed for refund of amount, since there was a supply of defective goods by the Respondent. Therefore, the Petitioner Counsel is directed to file a clarification/explanation how the Operational Creditor is eligible to file petition under Section 9 of the IBC, 2016 for this purpose along with judicial precedents well before the next date of hearing. List the case on **12.03.2024**.

Sd/-
MANOJ KUMAR DUBEY
MEMBER (TECHNICAL)

Sd/-
K. BISWAL
MEMBER (JUDICIAL)

Gayathri