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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CO.PET. 533/2014, CA No.1908/2014

ALLIANCE TECHNOCRATS PVT LTD Petitioner
Through : Mr. Uddayan Mukharjee, Adv.

versus

GRG IMPEX PRIVATE LIMITED Respondent
Through : Mr. Rajeev Bahl, Advocate for OL

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
11.07.2017

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Learned counsel for the Official Liquidator refers to Section 5 of the Ministry of Corporate Affairs Notification No. G.S.R.1119(E) dated 7th December, 2016 which says that in case the Respondent is not served by 7th December, 2016, the matter shall be heard by the Tribunal. The said provision is reproduced hereinbelow:

“5. Transfer of pending proceedings of Winding up on the ground of inability to pay debts. – (1) All petitions relating to winding up under clause (e) of section 433 of the Act on the ground of inability to pay its debts pending before a High Court, and where the petition has not been served on the respondent as required under rule 26 of the Companies (Court) Rules, 1959 shall be transferred to the Bench of the Tribunal established under sub-section (4) of section 419 of the Act, exercising territorial jurisdiction and such petitions shall be treated as applications under sections 7, 8 or 9 of the Code, as the case may be, and dealt with in accordance with Part II of the Code:

Provided that the petitioner shall submit all information, other than information forming part of the records transferred in accordance with Rule 7, required for admission of the petition under sections 7, 8 or 9 of the Code, as the case may be, including details of the proposed insolvency professional to the Tribunal within sixty days from date of this notification, failing which the petition shall abate. ”

In the circumstances, the Company Petition is transferred to National Company Law Tribunal and the Petitioner to appear for the said Tribunal on 1st August, 2017.

YOGESH KHANNA, J

JULY 11, 2017
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