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

+ **W.P.(C) 3404/2018**

**SPECTRUM VOYAGES PRIVATE LIMITED** ..... Petitioner

Through: Ms. Priyanka Kakkar, Adv. with  
Mr. Ashraf Ali, Mr. Amit Kumar,  
Adv.

versus

**UNION OF INDIA AND ANR.** ..... Respondents

Through: Mrs. Bharathi Raju, CGSC for R-1  
& 2.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **09.04.2018**

**CM No. 13473/2018**

1. Allowed, subject to all just exceptions.

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2. The petitioner is primarily aggrieved by the fact that a petition filed under Section 9 of the Insolvency and Bankruptcy Code, 2016 (in short 'Code') in the NCLT has not been entertained by respondent no.2, that is, the Registrar, NCLT.

2.1. According to the petitioner, no order has been passed in that behalf. It is, however, conceded by the counsel for the petitioner that the registered office of the Company, i.e., the corporate debtor *qua* whom the petition under Section 9 of the Code has been filed is located Gurugram, in the State of Haryana.

3. *Prima facie*, a reading of Section 60(1) of the Code would show that the petition ought to have been filed by the petitioner before the appropriate Bench of the NCLT, situate in Chandigarh.

However, as indicated above, no formal order has been passed by respondent No. 2 or by a bench of the NCLT..

4. In these circumstances, the writ petition is disposed of with a direction to respondent No. 2/Registrar, NCLT to place the matter before the appropriate Bench for passing an order on the petition of the petitioner if the objection to its acceptance is qua jurisdiction. Let the needful be done within one week from today. NCLT is requested to pass an appropriate order upon hearing the concerned parties without being burdened by the *prima facie* observation made above by me in the matter.

5. The Registry will despatch a copy of this order to respondent No. 2/Registrar, NCLT.

**RAJIV SHAKDHER, J**

**APRIL 09, 2018**

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