

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

C.P.(IB)No.186/BB/2018
U/s 9 of IBC, 2016
R/w Rule 6 of I&B (AAA) Rules, 2016

In the matter of:

M/s.Natural Capsules Private Limited

Trident Towers, Fourth Floor,
No.23, 100 Feet Road,
Jayanagar II Block,
Bengaluru – 560 011.

- Petitioner/Operational Creditor

Versus

M/s.Ayurwin Pharma Private Limited

No.1094, 19th Main,
1st Block, Rajajinagar,
Bengaluru – 560 010.

- Respondent/Corporate Debtor

Date of Order: 27th September, 2019

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Dr. Ashok Kumar Mishra, Member (Technical)

Parties/Counsels Present:

For the Petitioner : None

For the Respondent : None

ORDER

Per: Dr. Ashok Kumar Mishra, Member (Technical)

1. C.P.(IB)No.186/BB/2018 is filed by M/s.Natural Capsules Private Limited (hereinafter referred to as 'Petitioner/Operational Creditor') under Section 9 of the IBC, 2016 read with Rule 6 of the I&B (Application to Adjudicating Authority) Rules, 2016, by inter alia seeking to initiate Corporate Insolvency Resolution Process (CIRP) in respect of M/s.Ayurwin Pharma Private Limited (hereinafter referred to as 'Respondent/Corporate Debtor') on the ground that the Corporate Debtor has committed default for a total outstanding

amount of Rs.26,68,570/- (Rupees Twenty Six Lakhs Sixty Eight Thousand Five Hundred and Seventy Only).

2. The case was listed for admission on various dates viz., 25.10.2018, 31.10.2018, 05.11.2018, 06.12.2018, 01.01.2019, 18.01.2019, 05.02.2019, 26.02.2019, 25.03.2019, 11.04.2019, 25.04.2019, 10.05.2019, 31.05.2019, 17.06.2019, 24.06.2019, 27.06.2019, 29.07.2019, 14.08.2019, 20.08.2019, 13.09.2019 & 27.09.2019. However, neither the Petitioner nor the Counsel for the Petitioner appeared before the Adjudicating Authority on 25.10.2018, 25.03.2019 & 17.06.2019 for prosecution of the case.
3. On perusal of the records, it shows that the case is not being prosecuted diligently. Therefore, the case was posted under the caption "**For Dismissal**" on 27.09.2019. Today also none appeared for the Petitioner. It shows that the Petitioner is not interested to prosecute the case, and therefore, the Petition is liable to be dismissed for default for non-prosecution of the case.
4. In the result, C.P.(IB)No.186/BB/2018 is dismissed for default for non-prosecution of the case. No order as to costs.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL

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