

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

C. P (IB) No.258/BB/2019
U/s. 9 of IBC, 2016
R/w Rule 6 of I&B (AAA) Rules, 2016

In the matter of:

M/s. Indus Marketing

No. 67, Shop No.1,
Karthik Plaza,
S.P. Road,
Bengaluru – 560 002.

- Petitioner/Operational Creditor

Versus

M/s. Warm Gears Pvt. Ltd.

Plot No. 11-D & 11-E,
Hoskote Industrial Area,
Chokkahalli Village,
Hoskote,
Bengaluru – 562 114

- Respondent/Corporate Debtor

Date of Order: 19th July, 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: Rajeswara Rao Vittanala, Member (Judicial)

1. C.P(IB)No.258/BB/2019 is filed by M/s. Indus Marketing (Petitioner/Operational Creditor) U/s 9 of IBC, 2016, R/w Rule 6 of I&B(AAA) Rules, 2016, by inter alia seeking to initiate



Corporate Insolvency Resolution Process (CIRP) in respect of M/s. Warm Gears Pvt. Ltd (Respondent/Corporate Debtor) on the ground that the Corporate Debtor has committed, default amount of Rs.3,98,673/- (Rupees Three Lakhs Ninety Eight Thousand Six Hundred and Seventy Three only).

2. The Petition was filed before the Bench on 24.05.2019, and on scrutiny of the Application the Registry has raised certain office objections on 29.05.2019 and the same were sent by email to the Counsel on 29.05.2019. However, the Objections were not complied within the time granted and the case was listed on 01.07.2019 for non-compliance of office objections, and on that day neither the Counsel nor the Petitioner appeared before the Tribunal.
3. The case was posted today under the caption **“For Dismissal”**. Today also, neither Petitioner nor Counsel for Petitioner appeared. The Petitioner is not interested to prosecute the case and thus Petition is liable to be dismissed for default for non-compliance of office objections.
4. In the result, C.P. (IB)No.258/BB/2019 is dismissed for default for non-compliance of office objections of the case. No order as to costs.



(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL



(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL