



**IN THE NATIONAL COMPANY LAW TRIBUNAL  
NEW DELHI COURT-III**

**Item No.03**

IA-2866/2023

In  
(IB) -262(ND)/2023

**IN THE MATTER OF (IB) -262(ND)/2023:**

**M/s. DECCANS SAFETY GLASS WORKS PRIVATE LIMITED**

**..... Financial Creditor**

**VERSUS**

**M/s. ATS HOUSING PRIVATE LIMITED**

**..... Corporate Debtor**

**AND IN THE MATTER OF IA-2866/2023:**

**M/s. Deccans Safety Glass Works Private Limited** ..... Applicant

**VERSUS**

**M/s. ATS Housing Private Limited**

**..... Respondent**

**Order Pronounced On: 04.10.2023**

**CORAM:**

**SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)**

**SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)**

**APPEARANCES:**

For the Applicant : Mr. Arjun Mukherjee, (Adv.)

For the Respondent :

**ORDER**

Order pronounced in open court vide separate sheets. **IA-2866/2023** is  
**allowed**

**-SD-**

**(ATUL CHATURVEDI)  
MEMBER (TECHNICAL)**

**-SD-**

**(BACHU VENKAT BALARAM DAS)  
MEMBER (JUDICIAL)**



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**SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER  
(JUDICIAL)**

**SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)**

**APPEARANCES:**

For the Applicant : Mr. Arjun Mukherjee, (Adv.)

For the Respondent :

**ORDER**

**PER: ATUL CHATURVEDI, MEMBER (TECHNICAL)**

1. This Application has been filed by **M/s. Deccans Safety Glass Works Private Limited**, the Applicant/Financial Creditor on

**IA-2866/2023 In (IB) - 262(ND)/2023**

**Date of Order: 04.10.2023**



08.05.2023 before this Adjudicating Authority under Rule 155 read with Rule 11 of the National Company Law Tribunal Rules, 2016, seeking amendment in Part IV of Form 1 filed to Initiate Corporate Insolvency Resolution process against M/s. ATS Housing Pvt. Ltd., for seeking the following reliefs:

*“i. Relief Sought: In view of the facts mentioned in Para 4 above, the Applicant prays that the present Application be allowed and the Applicant be permitted to amend the Part IV of Form I filed by the Applicant as detailed in Para 4 and the Applicant further prays that the amended Form 1 annexed with the present Application be kindly taken on record;”*

2. The Respondent/ Corporate Debtor had issued a post-dated cheque to the Financial Creditor towards part repayment of the loan amount and requested that the same be not encashed given the shortage of funds and affirmed that they will make the payment of the principal amount along with interest to the Financial Creditor. However, the Respondent failed to make the said payment as assured. The Applicant presented the Cheque dated 19.02.2023 bearing No. 004718 which was provided to the Applicant for an amount of Rs. 95,00,000/-. The said Cheque was dishonored and was returned vide return memo dated 20.04.2023 with the remark "PAYMENT STOPPED".
3. The date of Default as mentioned in Part IV of Form 1 is 20.04.2023. The Applicant has already stated the entire sequence of events in the facts/details mentioned in Part IV of Form 1. The aforesaid cheque was dishonored on 20.04.2023 and thus the Respondent has committed a default. However, in the specific column at Part IV of Form- 1, the date of Default has been inadvertently mentioned as 18.08.2020.
4. Accordingly, the following amendment is sought:
  - (i) Date on which Default Occurred - 20.04.2023
  - (ii) No. of Days in Default- 16 days (Calculated up to 06.05.2023).

**IA-2866/2023 In (IB) – 262(ND)/2023**  
**Date of Order: 04.10.2023**



5. We have heard the Ld. Counsel appearing for the Applicant and also perused the documents on record.
6. The Respondent is directed to file reply affidavit, if any, within one week in the main matter (IB) – 262(ND)/2023.
7. We direct the Registry to list the main matter (IB) – 262(ND)/2023 on 03.11.2023 for arguments.
8. In case, no one has appeared and no reply has been filed on the next date of the hearing, the appropriate order will be passed in the main matter (IB) – 262(ND)/2023.
9. The Parties are directed to file a list of dates, events and issue-based charts with relevant submissions with a copy in advance to the other side.
10. In light of the above facts and circumstances, prayer sought in the present application stands **allowed**.
11. A certified copy of this order may be issued, if applied for, upon compliance with all requisite formalities.
12. The Registry is directed to accept the reply affidavit filed by the Respondent, if any.

**-SD-**

**(ATUL CHATURVEDI)  
MEMBER (TECHNICAL)**

**-SD-**

**(BACHU VENKAT BALARAM DAS)  
MEMBER (JUDICIAL)**