BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH, MUMBAI

T.C.P.NO.132/I&BP/NCLT/MB/MAH/2017

CORAM: **SHRI M.K. SHRAWAT**
MEMBER (JUDICIAL)

SHRI RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

In the matter of Sections 433(e) and 434 of the Companies Act, 1956

AGARWAL COAL CORPORATION PRIVATE LIMITED. ..... Petitioner.

Versus

M/s. BLACK GOLD EXIM PRIVATE LIMITED. ..... Respondents.

PRESENT ON BEHALF OF THE PARTIES

None present.

ORDER

Heard on : 24.07.2017.
Pronounced on : 25.07.2017

1. None present from the side of the Petitioner/Creditor.
2. The matter is transferred from the Hon'ble High Court of Bombay pertaining to the provisions of Section 433(e) of the Companies Act, 1956. On transfer of such Petitions a list of the Transferred Cases was prepared and duly publicized to inform the parties concerned.
3. When listed for the first time on 12.04.2017 none appeared and matter was adjourned to 15.06.2017. Again on 15.06.2017 none appeared and matter was adjourned to 10.07.2017. On 10.07.2017 during the First Call none present and matter was Pass Over. During Second Call none present and the matter was adjourned to today i.e. 24.07.2017 when no body appeared for the Petitioner.
4. The Procedure of Intimation is three fold i.e.
   (i) the **first** step is that the every day Cause List is always been uploaded on the NCLT Site for Public Information;
   (ii) the **second** step is that the directions given on hearing is also displayed daily in the Official Site7 about the decision taken in the Court; and
   (iii) the **third** step is that the status of the Cause List is also displayed on the official site mentioning the next date of hearing.
4. Though number of opportunities were given to the Petitioner to appear but the Petitioner is not serious in pursuing this Petition.
5. As a consequence the Petition is liable to be rejected, however, worth to reproduce a paragraph from the latest notification dated 29.06.2017 (F. No. 1/0/2015-CL-V) GSR 732(E) as under :-

..2..

"*Provided further that any party or parties to the petitions shall, after the 15th day of July, 2017, be eligible to file fresh applications under sections 7 or 8 or 9 of the Code, as the case may be, in accordance with the provisions of the Code.*"

6. Hence for want of prosecution, the matter is dismissed. Consigned to Records.

Sd/-
Ravikumar Duraisamy
Member (Technical)
Dated : 24.07.2017.

Sd/-
M.K. Shrawat
Member (Judicial)

aarti