

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH (COURT – II)

Item No. 208
(IB)-276/ND/2022

IN THE MATTER OF:

Axis Trustee Services Ltd.

...

Applicant/Petitioner

Versus

Fortis Healthcare Holdings Pvt. Ltd.

...

Respondent

Under Section: 7 of IBC, 2016

Order delivered on 04.05.2022

CORAM:

SHRI. ABNI RANJAN KUMAR SINHA
HON'BLE MEMBER (JUDICIAL)

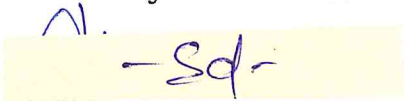
SHRI HEMANT KUMAR SARANGI
HON'BLE MEMBER (TECHNICAL)

PRESENT:

ORDER

Heard the Ld. Counsel appearing for the applicant and perused the averments made in Part IV of the application. Ld. Counsel appearing for the applicant in the course of his argument referred to page no. 32 of the application and submits that there are three dates for making the payment of interest. He further submits that he has received the payment till 24th August 2017. He further submits that the next date of payment of amount was 24th August 2018.

In terms of submissions of the applicant, we perused the averments made in part IV, Column 2 of the application, and we observe that the date of default mentioned in part IV, Column 2 of the application is on 16th September 2017, whereas as per the submissions of the applicant's Counsel, the amount was due and payable on 24th August 2018. Since, there was no default on 16th September 2017, therefore, the application is not maintainable. Accordingly, same is hereby **dismissed**.


(HEMANT KUMAR SARANGI)
MEMBER (T)


(ABNI RANJAN KUMAR SINHA)
MEMBER (J)