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**NATIONAL COMPANY LAW TRIBUNAL  
NEW DELHI BENCH**

(IB)-2086(ND)2019

**IN THE MATTER OF:**

**G.H. Prints Pvt. Ltd.  
A-256, Okhla Industrial Area Ph-1  
New Delhi -110020**

**...Operational Creditor**

**VERSUS**

**Mode Advertising & Marketing Pvt. Ltd.  
C-40 & 44 Lajpat Nagar II,  
New Delhi-110024**

**... Corporate Debtor**

**Section: 9 of IBC, 2016**

**Order Delivered on: 15.10.2019**

**CORAM:**

**SMT. INA MALHOTRA, HON'BLE MEMBER (J)  
SHRI. L. N. GUPTA, HON'BLE MEMBER (T)**

**PRESENT:**

**For the Petitioner : Mr. Ashutosh Kumar Mishra, Advocate  
For the Respondent : None**

(IB)-2086(ND)2019  
G.H. Prints Pvt. Ltd. vs M/s. Mode Advertising & Marketing Pvt. Ltd.



*Handwritten signature and date: 16/10*

## ORDER

PER SHRI L. N. GUPTA, MEMBER (T)

The present petition is filed under Section 9 of Insolvency and Bankruptcy Code, 2016 (for brevity 'IBC, 2016') read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (for brevity 'the Rules') by M/s G.H. Prints Pvt. Ltd. (for brevity 'Operational Creditor') through its authorized representative Mr. Anup Kumar Dwivedi, who is duly authorized vide Board Resolution dated 17.06.2019, with a prayer to initiate the Corporate Insolvency process against M/s Mode Advertising & Marketing Pvt. Ltd. (for brevity 'Corporate Debtor').

2. The Operational Creditor namely, M/s G.H. Prints Pvt. Ltd is a Company incorporated under the provisions of Companies Act, 1956 with CIN No. U22210DL2008PTC176001, having its registered office at A-256, Okhla Industrial Area Phase-1 New Delhi-110020.

3. The Corporate Debtor namely, Mode Advertising & Marketing Private Limited is a Company incorporated on 11.11.1993 under the provisions of Companies Act, 1956 with CIN No. U74899DL1993PTC056026, having its registered Office at C-40 & 44 Lajpat Nagar-II New Delhi-110024.



(IB)-2086(ND)2019

G.H. Prints Pvt. Ltd. vs M/s. Mode Advertising & Marketing Pvt. Ltd.

4. The Authorised Share Capital of the Respondent Company is Rs. 1,00,00,000 and Paid-up Share Capital of the Company is Rs. 11,35,320 as per the Master Data of the Company annexed.

5. It is the Petitioner's case that they had supplied Printed Brochures, Pamphlets, Bills, Boarding pass etc. Additionally, this it is submitted by the Petitioner that they have rendered Printing Services from 11.04.2017 to 17.04.2017 to the Corporate Debtor and raised the following invoices :

DATE	INVOICE NO.	AMOUNT
11.04.2017	16	Rs. 2,50,000
11.04.2017	15	Rs. 2,14,200
11.04.2017	17	Rs. 5,250
17.04.2017	22	Rs. 10,000
11.04.2017	18	Rs. 1,60,000
<b>Total</b>		<b>Rs. 6,39,450</b>

6. It is submitted by the Petitioner that the Respondent had made part payment. As per the Ledger Account Annexed by the Petitioner, the last payment received by them was of Rs 1,00,000 on 13.07.2017.

7. It is stated by the Petitioner that the Liability of the Respondent as on date is of Rs. 4,80,061. It is further added by the Petitioner that it had sent a Demand Notice dated 11.07.2019, under Section 8 of IBC 2016 vide Speed Post to the Registered Office of the Respondent and through



an E-mail on 11.07.2019. The Petitioner further added that the Demand Notice could not be served through the Registered Post, as the same was returned with the remarks "Not Delivered-Refused". However, it is submitted by the Petitioner that the Demand Notice was served on 11.07.2019 through an E-mail at the email-id mentioned in the Master Data of the Respondent Company.

8. That the Petitioner in their Affidavit under Section 9(3)(b) of IBC, 2016 had made specific averment regarding non-receipt of Notice of any dispute issued by the Respondent. Further, the Petitioner has annexed Bank statements of HDFC Bank in compliance of Section 9(3) (c) of IBC, 2016 for the period 18.05.2017 to 22.08.2019.

9. As none appeared on behalf of the Respondent Company during the proceedings, the Respondent was proceeded ex-parte vide Order dated 16.09.2019 passed by this Tribunal.

10. In the given facts and circumstances, the present Petition being complete and establishing the default in payment of the operational debt beyond doubt, the Petitioner is entitled to claim its dues. The amount of default being above Rs. 1,00,000 for the unpaid invoices, the Petition is admitted in terms of Section 9(5) of the IBC and accordingly, moratorium is declared in terms of Section 14 of the Code. As a necessary consequence of the moratorium in terms of Section 14(1) (a), (b), (c) & (d),

(IB)-2086(ND)2019

G.H. Prints Pvt. Ltd. vs M/s. Modc Advertising & Marketing Pvt. Ltd.



the following prohibitions are imposed, which must be followed by all and sundry:

- (a) The institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
- (b) Transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;
- (c) Any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;
- (d) The recovery of any property by an owner or lessor, where such property is occupied by or in the possession of the corporate debtor."

11. The Operational creditor has not proposed any IRP. Therefore, this bench based on the list furnished by IBBI, appoints Ms. Madhu Juneja IBBI/IPA-001/IP-P00044/2017-18/10118, Email [madhujun94@gmail.com](mailto:madhujun94@gmail.com) subject to the condition that no disciplinary proceedings are pending against the IRP named and disclosures as required under IBBI Regulations, 2016 are made within a period of one week from this order. The IRP is directed to take the steps as mandated under this Code specifically under Section 17, 18, 20 and 21 of IBC, 2016.

12. The Petitioner Company is directed to deposit Rs. 1,00,000 (One Lakh) only with the IRP to meet the immediate expenses. The amount, however, will be subject to adjustment by the Committee of Creditors as

(IB)-2086(ND)2019

G.H. Prints Pvt. Ltd. vs M/s. Mode Advertising & Marketing Pvt. Ltd.



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accounted for by the Interim Resolution Professional and shall be paid back to the Petitioner.

13. In terms of the above, the Application stands admitted in terms of Section 9(5) of IBC, 2016 and the moratorium shall come in to effect as of this date. A copy of this Order shall be communicated to the Petitioner, the Respondent and the IRP mentioned above by the Registry of this Tribunal. In addition, a copy of the Order shall also be forwarded by the Registry to IBBI for their records.

*Sd*  
**(L. N. Gupta)**  
**Member (T)**



*Sd*  
**(Ina Malhotra)**  
**Member (J)**

*DJ* 16.10.19  
Deputy Registrar  
National Company Law Tribunal  
CGO Complex, New Delhi-110003