



NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT-II)

(IB)-427(ND)2022

IN THE MATTER OF:

M/s Shudh Priya Plastichem Private Limited

Having correspondence and

Registered office at:

JA-24-A, Phase-1, Ashok Vihar,

New Delhi – 110052

... Applicant/Operational Creditor

VERSUS

M/s SV Leathers (India) Private Limited

Having correspondence and

Registered office at:

Flat No. 43, J.K. Apartments,

A-3 Block, Paschim Vihar,

New Delhi – 110063

... Respondent

Section: 9 of the IBC, 2016

Order Delivered on: 25.04.2023

CORAM:

SH. ASHOK KUMAR BHARDWAJ, HON'BLE MEMBER (J)

SH. L. N. GUPTA, HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Adv. Mareesh Pravir Sahay, Adv. Awantika,
Adv. Sachin Kharb and Adv. Eccha Shukla



ORDER

M/s Shudh Priya Plastichem Private Limited (for brevity, the **'Applicant/ Operational Creditor'**) has filed the present petition under Section 9 of the Insolvency and Bankruptcy Code, 2016 (for brevity, **the 'IBC, 2016'**) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 with a prayer to initiate the Corporate Insolvency Resolution Process against M/s. SV Leathers (India) Private Limited (for brevity, **the 'Respondent'**).

2. The Respondent namely, M/s. SV Leathers (India) Private Limited is a Company incorporated on 27.12.2010 with CIN U19110DL2010 PTC211794 under the provisions of the Companies Act, 1956 having its registered office at Flat No. 43, J.K. Apartments, A-3 Block, Paschim Vihar, New Delhi – 110063, which is within the territorial jurisdiction of this Bench. The Authorized Share Capital of the Respondent is Rs. 10,00,000/- and Paid-up Share Capital is Rs.1,00,000/-, as per the Master Data of the Respondent.

3. On perusal of the record, it is observed that the Applicant has annexed the dispatch proof of sending the demand notice through the speed post on page no. 14 of the application. However, no Tracking Report in support of the delivery of the Demand Notice to the Respondent is annexed with the application. Accordingly, we consider it appropriate to direct the Applicant to establish that the Demand Notice was duly served to the Respondent.



4. It is further observed that the claim of the Applicant is arising from the invoices running from 12.12.2013 to 22.06.2021. It is contended by the Applicant that the Respondent has made the regular part-payments. However, except for the ledger, the Applicant has failed to place the complete Bank Statement on record, to take a view in the matter.

5. Accordingly, we direct the Applicant to file (a) the Tracking Report in support of the delivery of the Demand Notice dated 24.08.2021 to the Respondent, (b) a complete Bank Statement from December 2013 till the date of the last part-payment, and (c) calculation and amount of debt basing on the unpaid invoices excluding the Section 10A period.

6. Let the needful be done by the Applicant by filing an additional affidavit within 7 working days from today. It is made clear if the same is not filed, the matter will be decided based on the documents available on record.

7. **Accordingly, the matter stands de-reserved.**

8. List on 12.05.2023.

Sd/-
(L. N. GUPTA)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)