

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
SPECIAL BENCH
COURT - 1

ITEM No.15- IA/319(AHM)2022 in
CP(IB) 167 of 2020

Order under Section 9 IBC

IN THE MATTER OF:

Shree Bansi Metal & Alloys Pvt Ltd
V/s
Maruti Inox India Pvt Ltd

.....Applicant

.....Respondent

Order delivered on ..04/04/2022

Coram:

Dr. Deepti Mukesh, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant : Ld. Adv. Mr. Shakil S Sheikh
For the Respondent : Ld. Adv. Mr. Kunal P Vaishnav

ORDER

IA/319(AHM)2022

Application is filed by Operational Creditor who had originally filed an application under Section 9 of the IBC, 2016 against the Corporate Debtor (Maruti Inox India Pvt Ltd.) for initiating the CIRP.

Learned Counsel for the applicant states that on 07.12.2021 the submission was made before this Adjudicating Authority by Corporate Debtor that the registered address of the Corporate Debtor is situated at Mumbai which also was reflecting as per Master Date provided by the Operational Creditor itself. Argument was made that the application under Section 9 of the IBC, 2016 against the Corporate Debtor will not lie at Ahmedabad Bench and the application was disposed of on that ground, vide order dated 07.12.2021.

Learned Counsel for the Operational Creditor today states that he has found one address of the Corporate Debtor at 777/778, Village-Indrad, Behind Ratnamani Metal, Ahmedabad Mehsana Highway, District-Mehsana and the address mentioned in the Master Data is false based on which the application filed under Section 9 of the IBC, 2016 came to be rejected.

He further states that the Corporate Debtor is guilty of forgery and should be prosecuted under Sections 191, 193, 194, 198, 199, 460, 420, 463, 465 and 467 of the Indian Penal Code for adducing false evidence.

The application does not contain any documentary proof to show that the address of the Corporate Debtor is at Mehsana as mentioned by the Applicant. On the contrary, even today, the Master Date is shared by Learned Counsel for the Corporate Debtor on the screen that the address mentioned in the Master Data is showing address at Mumbai.

Learned Counsel for the applicant prays for following reliefs:

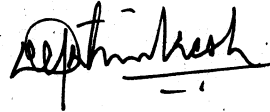
- (a) The RoC be directed to take appropriate action upon the Corporate Debtor on filing prosecution under the Companies Act, 2013.
- (b) The Registry of NCLT should be directed to file prosecution.
- (c) Seeking direction on himself to proceed against the Corporate Debtor.
- (d) That CP(IB) 167 of 2020 be revived which was disposed of vide order dated 07.12.2021.

After hearing both sides, we are of the view that none of the prayers are maintainable. Accordingly, this application stands rejected and disposed of.



**(AJAI DAS MEHROTRA)
MEMBER (TECHNICAL)**

Rajeev



**(DR.DEEPTI MUKESH)
MEMBER (JUDICIAL)**