

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**DIVISION BENCH**  
**COURT - I**

ITEM No.1  
CP(IB)/73(AHM)2024

**Proceedings under Section 9 IBC**

**IN THE MATTER OF:**

PHENIX BUILDING SOLUTIONS PRIVATE LIMITED  
Vs  
MASCOT SURYAPUR LLP

.....Applicant

.....Respondent

**Order delivered on 14/02/2024**

**Coram:**

**Mr. Shammi Khan, Hon'ble Member(J)**  
**Mr. Sameer Kakar, Hon,ble Member(T)**

**PRESENT:**

For the Applicant : None  
For the Respondent :

**ORDER**

This is an application filed under Section 9 of the Insolvency & Bankruptcy Code 2016.

When the matter was called out in the first session, none appeared on behalf of the applicant. Hence, the matter was passed over.

Now, again, the matter was called out in the second session in post lunch.

However, again no one has also appeared on behalf of the applicant to press this Application. It seems that, Counsel for the applicant has lost interest in pursuing this application.

On perusal of the petition and documents annexed therein, reflects that the statutory demand notice issued under Section 8 of the IBC, 2016 was admittedly not served upon the respondent / corporate debtor, through registered post on registered address as per the MCA data, as the respondent / corporate debtor has left the place and some other company is operating from that address. Therefore, the present petition is pre-mature and defective in terms of Section 9(3).

Accordingly, **CP(IB)/73(AHM) 2024** is dismissed being defective.

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**SAMEER KAKAR**  
**MEMBER (TECHNICAL)**

**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**