

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

17. I.A. 974/2022

IN

C.P.(IB)-246(MB)/2022

CORAM: SHRI. H.V.SUBBA RAO, MEMBER (J)
SHRI CHANDRA BHAN SINGH, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **29.04.2022**

NAME OF THE PARTIES: INDIABULLS HOUSING FINANCE LIMITED

Vs.

PRICOMM MEDIA DISTRIBUTION VENTURES PRIVATE LIMITED

SECTION 7 OF INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

Mr. Nausher Kohli, counsel appearing for the Financial Creditor, is present through virtual hearing. None appeared for the Corporate Debtor.

I.A. 974/2022

The above Interlocutory Application has been filed by the Financial Creditor to set aside the default order dated 31.03.2022 in dismissing the company petition for non-prosecution.

Counsel appearing for the petitioner filed service affidavit dated 26.04.2022. Court notice was also simultaneously sent through "Speed Post" which was returned with an endorsement "no such person". However, in the service affidavit, the petitioner enclosed the copy of the email address to the email ID available with the MCA master data and as per the said email, the notice on the corporate debtor was served. Therefore, service of notice on the corporate debtor is held sufficient. Heard the counsel appearing for the petitioner. The above I.A. is allowed and the company is restored to file by setting aside the default order.

Counsel appearing for the petitioner is directed to once again issue notice in the main company petition to the corporate debtor intimating the Corporate

Debtor regarding restoration of the above company petition and the next date of hearing.

The petitioner shall file service affidavit along with copy of notice sent to the corporate debtor, acknowledgements, original postal receipt, track report, email etc, at least two days before the next date of hearing. List this matter on 15.06.2022.

Sd/-
CHANDRA BHAN SINGH
Member (Technical)
SKS

Sd/-
H.V.SUBBA RAO
Member (Judicial)