

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 238 of 2021**

**IN THE MATTER OF:**

**Chandralekha Constructions Pvt. Ltd.**

**...Appellant**

**Versus**

**Khandelwal Group Pvt. Ltd.**

**...Respondent**

**Present:**

**For Appellant:        Mr. Mukesh Rana, Ms. Mamta and Ms. Paulami Sen,  
                                 Advocates.**

**For Respondent:**

**ORDER**  
**(Through Virtual Mode)**

**31.03.2021:** After hearing learned counsel for the Appellant, we find that the application under Section 9 of Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'I&B Code') is pending consideration before the Adjudicating Authority (National Company Law Tribunal), New Delhi, Court - IV at the pre-admission stage and in terms of the impugned order the Adjudicating Authority has only allowed a defect to be cured as it was pointed out that the documents in the two applications seeking the initiation of Corporate Insolvency Resolution Process got exchanged. To correct the error and rectify the defect, the Adjudicating Authority in terms of impugned order dated 4<sup>th</sup> March, 2021 allowed the application of Respondent (Operational Creditor) to rectify the defect by placing

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correct documents on record. There is no infirmity in the impugned order, it being the duty of the Adjudicating Authority to allow the Applicant to complete the application or cure the defect before taking up the matter for consideration in regard to admission or otherwise of application under Section 9.

2. There being no merit, the appeal is dismissed.

3. It is enjoined upon the Adjudicating Authority to follow the mandate of law as enshrined in Section 9(5) of the I&B Code, which obligates the Adjudicating Authority to pass an order of admission or rejection of application within 14 days of the receipt of application. The matter having been delayed considerably, the Adjudication Authority would do well to pass the order of admission or rejection within one week and report compliance to this Appellate Tribunal.

4. A copy of this order be communicated to the Adjudicating Authority, forthwith.

**[Justice Bansi Lal Bhat]**  
**Acting Chairperson**

**[Dr. Ashok Kumar Mishra]**  
**Member (Technical)**

*am/gc*