

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 834 of 2020

IN THE MATTER OF:

Orchid Tower Owners Association

...Appellant

Vs

Martin Burn Constructions Ltd.

....Respondent

Present:

For Appellant: Mr. Sunil Goyal, Advocate.

For Respondent:

O R D E R
(Through Virtual Mode)

15.10.2020: Shri Sunil Goyal, Advocate representing the Appellant submits that apart from other issues, the application of Appellant – Operational Creditor under Section 9 has been wrongly dismissed on the ground of pre-existing dispute. Referring to page 259 and 261 of the appeal paper book it is submitted that Respondent could not have wriggled out of its liability to carry out maintenance and make refund merely on the ground of Appellant not forming an association of all the co-owners of the residential building.

Issue notice upon Respondent. Appellant to provide mobile Nos./e-mail address of the Respondent. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

List the appeal ‘for admission (after notice)’ on **1st December, 2020**.

[Justice Bansi Lal Bhat]
Acting Chairperson

[Dr. Ashok Kumar Mishra]
Member (Technical)

[Dr. Alok Srivastava]
Member (Technical)

am/gc