

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

**Company Appeal (AT) (Insolvency) No. 661 of 2018**

**IN THE MATTER OF:**

**Hitachi India Pvt. Ltd.**

**...Appellant**

**Vs**

**Prime Infrapark Pvt. Ltd.**

**...Respondent**

**Present:**

**For Appellant: Mr. N. Swaminathan, Mr. Ashok Kumar Singh and  
Mr. Deepak Shankar, Advocates.**

**For Respondent:**

**ORDER**

**29.10.2018:** Admittedly, the Appellant has not provided any goods or services to the Corporate Debtor. In fact, the Corporate Debtor was required to provide certain services to the Appellant. Therefore, the Adjudicating Authority has rightly rejected the petition and held that the Appellant do not come within the definition of 'Operational Creditor' as defined under Section 5(20) r/w Section 5(21) of the I&B Code.

We find no merit in this appeal. It is accordingly dismissed. No cost.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

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