

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1024 of 2020

In the matter of:

M/s. Aavanor Systems Pvt. Ltd.

....Appellant

Vs.

Pers Enterprises Pvt. Ltd.

....Respondent

Present:

Appellant: Mr. Mohit D. Ram, Mr. Karthik Sheshadri, Mr. Suraj Chandrasekaran, Advocates.

ORDER

(Through Virtual Mode)

04.12.2020: The issue raised in this appeal is that the dismissal of application of Appellant- 'Operational Creditor' under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) by the Adjudicating Authority (National Company Law Tribunal), Division Bench-1, Chennai in terms of the impugned order dated 5th May, 2020 on the ground of existence of dispute prior to issuance of demand notice is unsustainable in-as-much as no such dispute was raised in regard to services rendered in reply to the legal notice. Reference in this regard is made to e-mail dated 19th January, 2018 at page 131 of the appeal paper book. It is further contended by Mr. Karthik Sheshadri, Advocate representing the Appellant that the suit raising dispute has been filed by the Corporate Debtor only after service of demand notice while no such dispute was raised in regard to services prior to issuance of demand notice.

Contd/-.....

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 22nd January, 2021.

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

**[Justice Anant Bijay Singh]
Member (Judicial)**

AR/g