

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 79 of 2018

IN THE MATTER OF:

Co. Jegannathan **...Appellant**

Versus

M/s. Spring Field Shelters Pvt. Ltd. **...Respondent**

Present:

For Appellant : **Mr. Sumesh Dhawan and Mr. Rajeev Kumar,**
Advocates

O R D E R

08.03.2018 There is nothing on the record to suggest that the claim of the appellant relates to the provisions of the goods or services including employment, thereby the 'debt', if any, due to the appellant do not come within the meaning of "operational debt" as defined under sub-section (21) of Section 5 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the 'I&B Code'). For the said reason the appellant cannot be treated to an "operational creditor" within the meaning of sub-section (20) of Section 5 of the I & B Code. As the application filed under Section 9 at the instance of the appellant was not maintainable, we are not inclined to decide the other questions as raised in this appeal. We find no merit in this appeal. It is accordingly dismissed. However, in the facts and circumstances, there shall be no order as to costs.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)