

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

**Company Appeal (AT) (Insolvency) No. 905 of 2020**

**In the matter of:**

**M/s. Mohit Minerals Ltd.**

**....Appellant**

**Vs.**

**M/s. Nidhi Impotrade Pvt. Ltd.**

**....Respondent**

**Present:**

**Appellant: Mr. Mrityunjay Tiwary, Advocate.**

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

**20.10.2020:** The issue raised in this appeal is that the application under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) filed by the Appellant before the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench, Ahmedabad, Court-2, has been dismissed erroneously on the assumption that the Demand Notice under Section 8(1) of the 'I&B Code' was served by an unauthorised person/ lawyer. It is submitted that the lawyer who issued the notice was working under instructions of the Appellant-Operational Creditor and was duly authorized to serve notice.

Issue notice upon Respondent. Requisites along with process fee be filed within three days from today. The Appellant will provide e-mail addresses of the

Contd/-.....

Respondent. Let service be effected through email and any other mode, if available.

Post the appeal on 7<sup>th</sup> December, 2020.

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

**[Justice Jarat Kumar Jain]  
Member (Judicial)**

**[Dr. Alok Srivastava]  
Member (Technical)**

*AR/g*