

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 1056 of 2020**

**In the matter of:**

**Z-Com India Pvt. Ltd.**

**....Appellant**

**Vs.**

**Frontline (NCR) Business Solutions Pvt. Ltd.**

**....Respondent**

**Present:**

**Appellant:            Mr. Partho Bhattacharya, Advocate.**

**ORDER**

**(Through Virtual Mode)**

**14.12.2020:**        Application filed by Appellant- Operational Creditor under Section 9 of the Insolvency and Bankruptcy Code, 2016 came to be dismissed by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench- V, in terms of the impugned order dated 6<sup>th</sup> October, 2020 on the ground of pre-existing dispute. The issue raised in this appeal is that the substantial part payments were made and goods continued to be purchased by the Corporate Debtor from Appellant even after the mail relied upon by the Adjudicating Authority to hold that there was a pre-existing dispute overlooking the fact that no debt was due on the date of such mail. That apart, it is contended by Mr. Partho Bhattacharya, Advocate representing the Appellant that the purchase order/ agreement had already lapsed due to efflux of time, thus there could be no breach of the terms of agreement.

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 on 20<sup>th</sup> January, 2021.

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

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

*AR/g*