

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 761 of 2018

IN THE MATTER OF:

Ravi Jain, Director Vivid IT Solutions Pvt. Ltd. ...Appellant

Vs

Pro Sportify Pvt. Ltd. & Anr.Respondents

Present:

**For Appellant: Mr. Akshat Bajpai and Mr. Vidhan Vyas,
Advocates.**

For Respondents:

ORDER

31.01.2019: This appeal has been preferred by 'Ravi Jain, Director of Vivid IT Solutions Pvt. Ltd.' (Corporate Debtor) against the order dated 17th October, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench whereby the application under Section 9 preferred by the Respondent – 'Pro Sportify Pvt. Ltd.' (Operational Creditor) has been admitted.

2. Initially, referring to the order dated 17th October, 2018, it was informed that impugned order was passed ex-parte. The Respondent was asked to file reply and now learned counsel for the Appellant accepted that demand notice under Section 8(1) was served on the Corporate Debtor but no reply was given.

3. It was also accepted by learned counsel for the Appellant that notice of admission issued by the Adjudicating Authority was also served but the Corporate Debtor did not choose to appear. Now stand taken by the Appellant is that the claim on the record on basis of which insolvency process was initiated

is forged and fabricated. However, such stand was not taken by the Appellant before the Adjudicating Authority. We are of the view that these issues could not be decided by the Adjudicating Authority or by this Appellate Tribunal and should be raised before a court or appropriate authority.

4. The Adjudicating Authority after noticing that there is a debt and default having not denied and records being in order, rightly admitted the application under Section 9. We find no merit in this appeal, it is accordingly dismissed. No costs.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/sk