

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.283 of 2020

IN THE MATTER OF:

Patel Integrated Logistics Ltd.

...Appellant

Versus

Overnite Express Ltd.

...Respondent

For Appellant: Shri Rohan Thawani and Shri Iqram Govind Singh, Advocates

For Respondent: None

ORDER

17.02.2020 Heard. Perused Judgement in the matter of “**Bank of Rajasthan Ltd. Versus Hajarimal Milap C. Surana and Others**” reported as (2005) 10 SCC 238. It is stated that earlier Application under Section 9 was disposed as compromised due to Agreement between the Appellant – Operational Creditor and the Respondent – Corporate Debtor. Later, there was default in the execution of the Agreement. The fresh Application was filed on the basis of the default in that Agreement and thus, the Adjudicating Authority (National Company Law Tribunal, New Delhi Bench) erred in passing the Impugned Order that it was a second Petition or that it was not maintainable.

Issue Notice. Requisite along with process fee, if not filed, be filed by tomorrow. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

List the Appeal in 'Orders' category on 6th March, 2020.

[Justice A.I.S. Cheema]
Member (Judicial)

(Justice A.B. Singh)
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/rs/md