

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

**Company Appeal (AT) (Insolvency) No. 314 of 2017**

**IN THE MATTER OF:**

**Shaw Traders**

**...Appellant**

**Vs.**

**Balaji Paper & Newsprint Pvt. Ltd.**

**...Respondent**

**Present: For Appellant: - None**

**ORDER**

**15.12.2017-** On 13<sup>th</sup> December, 2017, when the appeal was taken up, nobody appeared on behalf of the Appellant. On the said date, this Appellate Tribunal passed the following order:

*“In spite of repeated calls, nobody appeared on behalf of the Appellant.*

2. *From the impugned order we find that the Application preferred by the Appellant under Section 9 of Insolvency & Bankruptcy Code, 2016 has been rejected by the Adjudicating Authority in view of the decision passed by Hon’ble Supreme Court in the case- “**Mobilox Innovation Private Ltd. Vs. Kirusa Software Private Ltd.**”, there being a notice of dispute sent by the ‘Corporate Debtor’ to the*

Contd/-.....

*'Operational Creditor'. The Registry has also pointed out that the appeal is barred by limitation.*

3. *However, to give another opportunity, we adjourn the case. Post the matter on **15<sup>th</sup> December, 2017.***

Today, in spite of repeated calls, nobody appears on behalf of the Appellant. In the circumstance, we dismiss the appeal being barred by limitation and as also for default.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

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