

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency)No.554 of 2018

IN THE MATTER OF:

Universal Woollen Mills

...Appellants

Vs

Winsome Yarns Ltd

...Respondents

**Present: Mr Gautam Singh, Advocate for appellant.
Mr. Pulkit Deora and Mr Sylvine Sarma, Advocates for
respondent.**

ORDER

13.03.2019- This appeal has been preferred against the impugned order 27.7.2018 passed by the Adjudicating Authority (National Company Law Tribunal), Chandigarh whereby and whereunder application under Section 9 of the Insolvency & Bankruptcy Cost, 2016 preferred by appellant for initiation of Corporate Insolvency Resolution Process against respondent (Winsome Yarns Ltd), Corporate Debtor has been rejected. The main plea taken by the appellant was that the Adjudicating Authority has rejected the application on the ground of pre-existing dispute.

2. Learned counsel appearing on behalf of the respondent referred to an email dated 4th August, 2015 (Page 95 onwards) of the appellant to show that there is counter claim made by the respondent. The aforesaid letter refers to a balance confirmation dated 31st March, 2015 with regard to demand made to suggest that the amount was paid. Learned counsel appearing on behalf of the appellant submits that the email dated 4th August, 2015 is not a genuine email and is a fabricated copy of the email. On the other hand, learned counsel for the respondent submits that it is genuine one. However, the question whether the email is fabricated or not cannot be decided by this Appellate Tribunal.

3. In view of the aforesaid existence of dispute the Adjudicating Authority right rejected in Section 9 application. In the circumstances no relief can be granted.

4. The appeal is dismissed. No cost.

(Justice S.J. Mukhopadhaya)
Chairperson

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

Bm/sk