

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

**Company Appeal (AT) (Insolvency) No. 369 of 2019**

**IN THE MATTER OF:**

**M/s. Shrishti Electromech Pvt. Ltd. ...Appellant**

**Versus**

**M/s. Vijay Home Appliances Ltd. ...Respondent**

**Present:**

**For Appellant : Ms. Ateepriya Bhatia, Advocate**

**O R D E R**

**28.05.2019**        The Appellant filed an application u/s 9 of the ‘Insolvency & Bankruptcy Code, 2016 (for short, ‘the **I&B Code**’) for initiation of ‘Corporate Insolvency Resolution Process’ against M/s. Vijay Home Appliances Ltd’ (Corporate Debtor) which was rejected by the impugned order dated 21<sup>st</sup> January, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Hyderabad Bench, Hyderabad on the ground of ‘existence of dispute’.

Though this Appellate Tribunal issued notice on the Respondent, nobody appears on behalf of the Respondent and some of the notices have not been served.

Ms. Ateepriya, learned counsel appearing on behalf of the Appellant submits that pursuant to another application filed under Section 9 of the ‘I&B Code’ by another person ‘Corporate Insolvency Resolution Process’ has been initiated against M/s. Vijay Home Appliances Ltd. (Corporate Debtor). In view of such development, we allow the Appellant to raise the claim before the

'Resolution Professional' who will consider the claim uninfluenced by the impugned order dated 21<sup>st</sup> January, 2019.

The appeals stands disposed of with aforesaid observations.

[Justice S.J. Mukhopadhaya]  
Chairperson

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

[ Kanthi Narahari ]  
Member (Technical)

/ns/sk