

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 412 of 2020

In the matter of:

Apya Capital Services Pvt. Ltd.

....Appellant

Vs.

Guardian Homes Pvt. Ltd.

....Respondent

Present:

**Appellant: Mr. Abhijeet Sinha, Mr. Samir Malik, Ms. Bani Dikshit
and Mr. Prashant Rana, Advocates.**

Respondent:

ORDER

12.03.2020: Learned counsel for the Appellant submits that there is delay of only one day in preferring the appeal. Further according to him, the Adjudicating Authority (National Company Law Tribunal) Mumbai Bench in impugned order dated 3rd January, 2020 has noticed that a sum of Rs.75 Lakhs was payable, for which the Respondent – Corporate Debtor showed willingness to settle the claim with the Appellant. Instead of that, the Adjudicating Authority wrongly held that there is no debt payable and application is hit by Section 5(6)(a) of the Code. Further, it is submitted that there is no pre-existing dispute.

In the circumstances, while we condone the delay of one day in preferring the appeal, issue notice on the Respondent as to why application under Section 9 be not admitted. Requisite alongwith process fee be filed by tomorrow. If the Appellant provides email address of the Respondent, let notice be also issued through email.

Post the case 'for admission (after notice)' on **23rd April, 2020**.

Pendency of the appeal will not come in the way of the parties to settle the matter.

**[Justice S. J. Mukhopadhaya]
Chairperson**

**[Justice Bansi Lal Bhat]
Member (Judicial)**

**[Shreesha Merla]
Member (Technical)**

am/gc