

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 105 of 2021

IN THE MATTER OF:

Neelkanth Medicare Pvt. Ltd.

...Appellant

Versus

ICI Healthcare Pvt. Ltd.

...Respondent

Present:

For Appellant: Mr. Shubham Paliwal and Mr. Vijay Nair, Advocates.

For Respondent:

O R D E R
(Through Virtual Mode)

22.02.2021: One of the issues raised in this appeal preferred against dismissal of application filed by the Appellant under Section 7 of I&B Code at the hands of Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench Ahmedabad Court 2 in terms of impugned order dated 18th December, 2020 on the ground of same being not maintainable in view of the agreement dated 10th November, 2017 is that the arbitration clause in the agreement would not prevent the Operational Creditor from filing application under Section 7 of I&B Code which, in view of provisions of Section 238 of I&B Code which overrides all contractual agreements.

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Issue notice upon Respondent. Appellant to provide mobile Nos./e-mail address of the Respondent. Requisites along with process fee be filed within three days. Notice be issued through e-mail or any other available mode.

Post the appeal 'for admission (after notice)' on **15th March, 2021**.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc