

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 566 of 2020

IN THE MATTER OF:

Shruti Impex

...Appellant

Versus

N.R. Commercials Pvt. Ltd.

...Respondent

Present:

For Appellant: Mr. Akshat Singh and Mr. Bhanu Gupta, Advocates.

For Respondent:

ORDER
(Through Virtual Mode)

25.06.2020: Free of cost copy of the impugned order having been provided to the Appellant on 20th February, 2020 and excluding the lockdown period from 25th March, 2020 to 8th June, 2020, the appeal being filed on 15th June, 2020, there is only a delay of 9 days in filing the appeal beyond the prescribed period of 30 days. Having regard to the cause assigned, we are satisfied that a case for indulgence is made out. Delay of 9 days excluding the lockdown period is accordingly condoned. I.A. No. 1455 of 2020 stands disposed of.

Learned counsel for the Appellant submits that the dispute sought to be raised by the Corporate Debtor being not a pre-existing dispute and part of the claim exceeding Rs.16 Lakhs admittedly being within the period of limitation, the impugned order dismissing Appellant's application under Section 9 of the I&B Code cannot be sustained.

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

List the appeal 'for Admission (After Notice)' on **20th July, 2020**.

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

**[Alok Srivastava]
Member (Technical)**

am/nn