

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Company Appeal (AT) (Insolvency) No. 122 of 2021**

**In the matter of:**

**BKB Transport Pvt. Ltd.**

**....Appellant**

**Vs.**

**NTPC Ltd.**

**....Respondent**

**Present:**

**Appellant: Mr. Rudreshwar Singh, Mr. Kaushik Poddar, Mr. Saurabh Jain, Advocates.**

**Respondent: Mr. Balbir Singh, ASG with Mr. R. Sudhinder, Mr. Adarsh Tripathi, Mr. Nikhil Kandpal, Mr. Shyam Gopal, Advocates.**

**ORDER**

**(Through Virtual Mode)**

**23.02.2021:** The issue raised in this appeal filed against dismissal of application of the Appellant filed under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) due to pre-existing dispute in terms of the impugned order dated 4<sup>th</sup> January, 2021 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi, Principal Bench, is that the Respondent- Operational Creditor had admitted the operational debt being due and payable and released the Performance Bank Guarantee which clearly demonstrates that there was no pre-existing dispute between the parties in regard to rendering of services at the time of issuance of demand notice.

Issue Notice upon Respondents. Notice on behalf of Respondent is waived and accepted by Mr. Adarsh Tripathi, Advocate. No further notice need be issued to him. He may file reply-affidavit along with Vakalatnama within two weeks. Rejoinder, if any, be filed by the Appellant within two weeks thereof. Short written submissions not exceeding three pages may also be filed by the learned counsel for the parties along with the pleadings.

Contd/-.....

List the appeal 'for admission (after notice)' on 25<sup>th</sup> March, 2021.

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

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

***AR/g***