

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

**Company Appeal (AT) (Insolvency) No. 1355 of 2019**

**IN THE MATTER OF:**

Basf India Limited .... Appellant

Vs

Kaygee Shoetech Pvt. Ltd. .... Respondent

**Present:**

**For Appellant: Mr. P.V. Dinesh, Mr. Ashwini Kumar Singh,  
Ms. Sindhu T.P., Advocates.**

**For Respondent:**

**O R D E R**

**25.11.2019** Admittedly, from the record we find that Demand Notice under Section 8(1) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the '**I&B Code**') was not served on the 'Corporate Debtor'. Therefore, an application under Section 9 of the I&B Code was not entertained by the Adjudicating Authority by impugned order dated 22<sup>nd</sup> October, 2019.

2. The learned Counsel for the Appellant submits that email of Demand Notice was issued to the Respondent, but we are not inclined to accept the same as it was not in format and email does not suggest that it was served or received by the 'Corporate Debtor'.

3. For the aforesaid reasons, we are not inclined to grant any relief to the Appellant. However, it will be open to the Appellant to file afresh application under Section 9, after serving a copy of Demand Notice on Respondent by Speed Post. The Appeal stands disposed of with the aforesaid liberty.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

[Justice Venugopal M.]  
Member (Judicial)