

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 225 of 2021

IN THE MATTER OF:

Epack Polymers Pvt. Ltd.

...Appellant

Versus

JBF Petrochemicals Ltd.

...Respondent

Present:

For Appellant: Mr. Kamal Ahuja, Advocate and Ms. Sanchita Bhardwaj, PCS.

For Respondent:

ORDER
(Through Virtual Mode)

24.03.2021: The issue raised in this appeal against dismissal of application filed under Section 9 of the I&B Code on the ground of same being incomplete and without authorization is that the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench, Ahmedabad, Court 2, while passing the impugned order dated 15th January, 2021 erred in not taking note of the fact that Shri Rajan Bhateja, AGM (Finance) has been authorized to issue demand notice and file the Company Petition. That apart, it is submitted by Shri Kamal Ahuja, Advocate representing the Appellant that the impugned order cannot be sustained even on the ground of application being incomplete for the Adjudicating Authority cannot dismiss the application on that ground without affording the Appellant - Applicant an opportunity of rectifying the defect/ making up the shortcoming.

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Issue notice upon Respondent. Requisites alongwith email address and mobile phone number of the Respondent may be provided by the Appellant within two days. Notice be served through any available mode.

Post the matter 'for admission (after notice)' on **23rd April, 2021**.

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

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

am/gc