

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 85 of 2021**

In the matter of:

Tijaria Polypipes Ltd.

....Appellant

Vs.

Kevadiya Construction Pvt. Ltd.

....Respondent

Present:

**Appellant: Mr. Anurag Kalavatiya, Advocate.
PCS Annie Singh Jhala**

Respondent: Mr. Arpit Singhvi, Mr. Ranu Purohit, Advocates.

ORDER

(Through Virtual Mode)

12.02.2021: The application under Section 9 of the Insolvency and Bankruptcy Code, 2016 filed by the Appellant- Operational Creditor was dismissed by the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench, Court-II in terms of the impugned order dated 2nd November, 2020 *inter alia* on the ground that there was dispute regarding quality of goods supplied to the Corporate Debtor by the Appellant- Operational Creditor. The impugned order is assailed in this appeal on several grounds, the main ground being that the amount of operational debt claimed by the Appellant in its application under Section 9 was in respect of invoices relating to supply of goods, quality whereof was not disputed, and the amount claimed thereafter adjusting the amount of goods returned by the Corporate Debtor.

Issue Notice. Notice on behalf of Respondent is waived and accepted by Mr. Arpit Singhvi, Advocate. No further notice need be issued to him. Caveat No.22 of 2021 stands discharged. He may file reply-affidavit along with Vakalatnama within two weeks. Rejoinder, if any, be filed within two weeks thereof.

Contd/-....

Short written submissions not exceeding three pages may also be filed by the learned counsel for the parties along with the pleadings.

List the appeal 'for admission (after notice)' on 15th March, 2021 before Court No.II.

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

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

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

AR/g