

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 667 of 2020

IN THE MATTER OF:

M/s. M + R Logistics (India) Pvt. Ltd.

... Appellant

Versus

M/s. AGA Publications Ltd.

...Respondent

Present:

For Appellant :

**Mr. E. Om Prakash, Senior Advocate with
Mr. M. Anbalagan and Mr. B. Karuna Karan,
Advocates**

For Respondent :

Mr. P. Nagesh and Mr. Shivam Wadhwa, Advocates

O R D E R

(Through Virtual Mode)

05.08.2020

I.A. NO. 1794/2020

Filing of certified copy of the impugned order is exempted at this stage.

However, the same be provided by the next date of hearing.

I.A. No. 1794 of 2020 stands disposed of.

The issue raised in this appeal is that the Adjudicating Authority has declined to admit the application of the Appellant (Operational Creditor) under Section 9 of the 'I&B Code, 2016' under the erroneous assumption that there is a pre-existence of dispute between the parties in respect of the claims made in the invoices of May, 2010. It is submitted by the learned counsel for the Appellant that no such dispute ever existed nor was raised by the Respondent (Corporate Debtor) and in fact the Respondent has admitted its liability in respect of the invoices as raised.

Let notice be issued upon Respondents.

Mr. P. Nagesh, Advocate waives and accepts notice on behalf of Respondent. No further notice be need be served upon the Respondent.

Learned counsel for the Respondent may file reply-affidavit along with Vakalatnama within three weeks. Rejoinder, if any, may be filed within three weeks thereof.

List the appeal 'for Admission (After Notice)' on **15th September, 2010**.

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

**[V.P. Singh]
Member (Technical)**

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

/ns/gc/