

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 449 of 2018

IN THE MATTER OF:

P. G. Prabhakar Reddy

...Appellant

Vs

IJM Concrete Products Pvt. Ltd. & Anr.

....Respondents

Present:

For Appellant: Mr. Purushottam Jha, Advocate.

For Respondents: Mr. Anil Kumar, Advocate for R-1.

Mr. Sayed Mustafa Mumtaz, Advocate for R-2.

ORDER

10.12.2018: This appeal has been preferred by Appellant against order dated 13th July, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), Single Bench, Chennai, wherein Section 9 application preferred by 'M/s IJM Concrete Products Private Limited' (Operational Creditor) against 'M/s P Dot G Constructions Private Limited' (Corporate Debtor) was admitted and subsequently Interim Resolution Professional was appointed.

2. On 14th August, 2018, learned counsel for the Appellant submitted that the demand notice under Section 8(1) of the I&B Code, 2016 was not served on the Corporate Debtor before filing the application under Section 9 of I&B Code. The reason was incomplete address of the Corporate Debtor given in the demand notice.

3. On notice, the Respondent - Operational Creditor appears and brought to our notice that the address on which Section 8(1) notice was issued is the same as mentioned in memo of appeal and postal tracking report shows that demand notice was served on 28th October, 2018.

4. We have gone through the demand notice issued under Section 8(1) and address given therein. We find that the address of the Corporate Debtor has been rightly given as '8 square Plot No.26, Saptagiri Nagar, Valasaravakkam, Chennai' which is the address shown by the Appellant in the main appeal. Learned counsel for the Appellant submits that name of the street has not been mentioned, but such submission cannot be accepted the demand notice under Section 8(1) notice having served on the Corporate Debtor. Therefore, the ground taken by the Appellant is not acceptable. '

5. Learned counsel for the Appellant submitted that the demand notices were not signed by the Operational Creditor but we find that no such ground was taken before the Adjudicating Authority. Further, we find that the Appellant has not disputed that the goods were supplied by the Operational Creditor to the Corporate Debtor for which payment was not made. Therefore, we are not inclined to interfere with the impugned order. In absence of any merit. Appeal is dismissed. No costs.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/gc