

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 1014 of 2020**

**In the matter of:**

**M/s. Kailash Devbuild (India) Pvt. Ltd.**

**....Appellant**

**Vs.**

**Inox Wind Infrastructure Services Ltd.**

**....Respondent**

**Present:**

**Appellant: Mr. Abhijeet Shrivastava, Mr. Jayant Kumar, Mr. Anshuman Shrivastava, Advocates.**

**ORDER**

**(Through Virtual Mode)**

**03.12.2020:** The issue raised in this appeal arising out of dismissal of application of the Appellant/ Operational Creditor under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) on the ground of demand notice having been issued by its Director- Mr. Kailash Shukla without Board Resolution is that the Director-Mr. Kailash Shukla is 99.34% shareholder of the Operational Creditor and there is no requirement of having a Board Resolution for issuance of demand notice in terms of Section 8(1) of the 'I&B Code'. That apart, it is submitted that even if it be so, it is a curable defect and subsequent ratification can cure the same.

Issue notice upon Respondent. Appellant to provide mobile Nos./ e-mail address of the Respondent. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days. Appellant is at liberty to serve dasti.

Contd/-.....

List the appeal on 7<sup>th</sup> January, 2021.

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

**[Justice Anant Bijay Singh]  
Member (Judicial)**

*AR/g*