

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 885 of 2019

IN THE MATTER OF:

**Praveen Jain,
Proprietor, M/s. Bharat Traders**

...Appellant

Vs.

M/s. Oum Lamitech Pvt. Ltd.

...Respondent

Present: For Appellant: - Mr. Pradeep K. Mittal, Advocate.

O R D E R

30.08.2019— Learned counsel for the Appellant submits that the copy of the impugned order dated 27th May, 2019 was not communicated to the Appellant and when he applied for certified copy, it was handed over on 21st August, 2019. The appeal has been preferred thereafter on 23rd August, 2019 thereby there is no delay.

We have heard learned counsel for the Appellant and taking into consideration the date of issuance of certified copy as 21st August, 2019 and being satisfied with the grounds, we hold that there is no delay in preferring the appeal. I.A. No. 2693 of 2019 stands disposed of.

2. The Appellant preferred an application under Section 9 of the Insolvency and Bankruptcy Code, 2016 which has been rejected by the Adjudicating Authority (National Company Law Tribunal), Court-II, New Delhi Bench. One of the grounds has been shown is that Demand Notice

Contd/-.....

was neither issued nor delivered on the 'Corporate Debtor'. The other ground taken is that certain other disputes were raised subsequently by the 'Corporate Debtor'.

3. Learned counsel for the Appellant referred to the Demand Notice issued under Section 8(1) by speed post of which delivery report by Indian Post has been enclosed at Page 208.

4. It is further submitted that the Adjudicating Authority wrongly held that the Demand Notice was issued or served.

5. Let notice be issued on Respondent by speed post. Requisite along with process fee, if not filed, be filed by 2nd September, 2019. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

Post the case 'for admission' on 30th September, 2019.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice A.I.S. Cheema)
Member(Judicial)

(Kanthi Narahari)
Member(Technical)

Ar/g