

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 752 of 2019

IN THE MATTER OF:

Andal Bonumalla

...Appellant

Versus

Tomato Trading LLP & Ors.

...Respondents

Present:

For Appellant : Mr. Bommineni Vivekananda, Advocate

For Respondents : Mr. Ankur Khandelwal, Advocate for 'Resolution Professional'

O R D E R

25.02.2020 Drawing our attention to the fact that the Respondent claiming to be an 'Operational Creditor' has, apart from serving the Legal Notice date 7th March, 2018, not served the Demand Notice in terms of Section 8(1) of the I&B Code, 2016 upon the 'Corporate Debtor' which is a *sine qua non* for initiation of the 'Corporate Insolvency Resolution Process', in the relevant column of the application to the Adjudicating Authority in Part III the column as regards the date from which the default has occurred, has been left blank. Learned counsel for the Appellant submits that the 'Corporate Debtor' is not averse to settlement being worked out with the 'Operational Creditor'. Appellant may meanwhile take effective steps for reaching a settlement.

Since the learned counsel for the Respondent – 'Operational Creditor' has not appeared today, it will be proper to adjourn the matter.

Mr. Ankur Khandelwal, Advocate representing the 'Resolution Professional' seeks and is allowed 3 days time to file current status of the 'Corporate Insolvency Resolution Process'.

List the matter on **5th March, 2020** for further hearing. The matter may be disposed of on the next date.

[Justice Bansilal Bhat]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)

[Shreesh Merla]
Member (Technical)

/ns/nn