

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 39 of 2019**

**IN THE MATTER OF:**

**Jai Prakash Bansal**

**...Appellant**

**Versus**

**Agarwal Alloys & Anr.**

**...Respondents**

**Present:**

**For Appellant :           Mr. Saurabh Kalia and Mr. Arjun Aggarwal,  
Advocates**

**O R D E R**

**04.02.2019**       This appeal has been preferred by the Appellant - '*Jai Prakash Bansal* – Shareholder' of '*Dayal Commercial Co. Pvt. Ltd.*' (Corporate Debtor) against order dated 29<sup>th</sup> November, 2018 whereby the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench admitted the application under Section 9 filed by Agarwal Alloys (Operational Creditor).

2.     Learned counsel appearing on behalf of the appellant submits that there was no document or demand notice in support of the claim. The Adjudicating Authority did not ask to produce the same and passed the impugned order. He further submits that the 'corporate debtor' has disputed the claim. However, it is not in dispute that the 'corporate debtor' has not raised any objection prior to the Demand Notice issued under Section 8 (1) of the I&B Code.

3.     From the application under Section 9 (Form 5), we find that the 'operational creditor' has not only enclosed the ledger account but also enclosed the 'confirmation of accounts' of the 'corporate debtor' dated 22<sup>nd</sup> August, 2015 and the Demand Notice dated 15<sup>th</sup> November, 2016. Thereafter, the 'corporate

debtor' having failed to pay the amount due, the Demand Notice under Section 8(1) was issued on 14<sup>th</sup> September, 2017. The Adjudicating Authority having noticed the same and there being no pre-existence of dispute, admitted the application under Section 9 of the I&B Code.

4. We found no illegality in the impugned order. In absence of any merit, the appeal is dismissed. No cost.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansilal Bhat ]  
Member (Judicial)

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