

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 870 of 2020

IN THE MATTER OF:

Action Construction Equipment Ltd. ...Appellant

Versus

Capacit'e Infra Project Ltd. ...Respondent

Present:

For Appellant: Mr. Fanish Kumar Rai and Mr. Ajit Rajesh, Advocates.

For Respondent:

O R D E R
(Through Virtual Mode)

08.10.2020: Shri Fanish Kumar Rai, Advocate representing the Appellant submits that the Adjudicating Authority (National Company Law Tribunal), Court No. V, Mumbai Bench has wrongly dismissed the application of the Appellant (Operational Creditor) filed under Section 9 of the I&B Code on account of pre-existence of dispute. It is submitted that application for withdrawal filed by the Appellant is rejected by the Adjudicating Authority culminating in passing of impugned order with observations which are likely to affect other remedies available to the Appellant i.e. effecting recovery through civil proceedings.

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.

List the appeal 'for admission (after notice)' on **20th November, 2020.**

[Justice Bansi Lal Bhat]
Acting Chairperson

[Dr. Ashok Kumar Mishra]
Member (Technical)

[Shreesha Merla]
Member (Technical)

am/gc