

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

**Company Appeal (AT) (Insolvency) No. 412 of 2018**

**IN THE MATTER OF:**

**N. Lingusamy**

**...Appellant**

**Vs**

**Shriram City Union Finance Ltd. & Anr.**

**...Respondents**

**Present:**

**For Appellant: Mr. A, Venkata Subramanian and Mr. A. Leo George Rozario, Advocates.**

**For Respondents: Mr. Brajesh Kumar Mishra, Advocate for R-1.**

**O R D E R**

**10.12.2018:** Admittedly, pursuant to an agreement, a consolidated sum of Rs.1 Crore was paid to the Corporate Debtor and inspite of repeated notices the Corporate Debtor failed to pay the amount with interest. For the said reason the application under Section 7 was preferred by 'M/s Shriram City Union Finance Ltd.' against 'M/s Thirrupathi Brothers Film Media Private Limited' (Corporate Debtor) which has been admitted.

2. Initially, learned counsel for the Appellant sought time to settle the claim with the Financial Creditor but having failed, we intend to hear the case on merit.

3. Learned counsel for the Appellant submitted that the Corporate Debtor has no movable or immovable property and as such the Financial Creditor will not gain anything, if Section 7 application is admitted. However, such ground cannot be noticed for setting aside the order of admission as these are the issues

which can be determined at the stage of resolution by the Committee of Creditors and the Adjudicating Authority and on failure they may proceed with liquidation.

3. We find no merit in this appeal. It is accordingly dismissed. No costs.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

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