

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 740 of 2019

IN THE MATTER OF:

Simplex Infrastructures Ltd.

...Appellant

Versus

Nitesh Estates Ltd.

...Respondent

Present:

For Appellant :

**Mr. Ritin Raj, Senior Advocate with
Mr. Samrat Sengupta, Mr. Devayan Gosh, Mr. S.
Dubey and Mr. S.C. Das, Advocates**

O R D E R

22.07.2019 Learned counsel for the Appellant submits that there is evidence relating to 'existence of dispute' prior to issuance of notice u/s 8 (1) of the 'I&B Code'. The Adjudicating Authority on the basis of reply u/s 8(2) made out a case that there is 'existence of dispute', which is not permitted.

The Respondent has filed a 'Caveat' and the name of the lawyer is reflected in the cause-list but nobody appears on behalf of the Respondent. Having heard learned counsel for the appellant and being satisfied with the grounds, the delay of 11 days in preferring the appeal is condoned.

I.A. No. 2249 of 2019 stands disposed of.

Let notice be issued on the respondent by Speed Post. Requisite along with process fee, if not filed, be filed by 23rd July, 2019. If the appellant provides the *e-mail* address of respondent, let notice be also issued through *e-mail*.

Post the case 'for Admission (After Notice)' on **28th August, 2019**.
Pendency of the appeal will not come in the way of the respondent to settle the matter with the Appellant.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

/ns/gc