

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 776 of 2020

IN THE MATTER OF:

M/s. Mateshwari Minerals

...Appellant

Versus

M/s. Jet Granito Pvt. Ltd.

...Respondent

Present: For Appellant : Mr. Puneet Jain, Advocate

ORDER
(Through Virtual Mode)

11.09.2020 Assailing the impugned order dated 28th February, 2020/2nd March, 2020 dismissing the applicant's application under Section 9 of the 'I&B Code', it is contended by Mr. Puneet Jain, Advocate representing the Appellant that the Appellant (Operational Creditor) falls within the definition of 'person' and the dispute in regard to the invoice which has been considered by the Adjudicating Authority as a 'pre-existing dispute' was raised after two years and could not be sustained as genuine and acceptable pre-existing dispute. It is further submitted by Mr. Jain that even if it is assumed that there was a defect in the 'memo of parties' as regards the particulars of applicant (Operational Creditor), the same should have been permitted to be rectified by the Adjudicating Authority.

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 **14th October, 2020** before Court No. II.

[Justice Bansi Lal Bhat]
Acting Chairperson

[Dr. Ashok Kumar Mishra]
Member (Technical)

[Shreesha Merla]
Member (Technical)