NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI Company Appeal (AT) (Insolvency) No. 674 of 2020

IN THE MATTER OF:

Gopalpur Ports Ltd.

...Appellant

Versus

Sri Avantika Contractors (I) Ltd.

...Respondent

Present:

For Appellant:

Mr. Arun Kathpalia, Sr. Advocate with Mr. Nikhil Jain

and Mr. Rajnish Sinha, Advocates.

For Respondent:

ORDER (Through Virtual Mode)

10.08.2020: Learned counsel for the Appellant submits that the impugned order is unsustainable in light of the dictum of this Appellate Tribunal in 'V. Padmakumar Vs. Stressed Assets Stabilisation Fund & Anr'. Shri Arun Kathpalia, Sr. Advocate representing the Appellant submits that the Adjudicating Authority should have rejected the application under Section 9 if there was no material to substantiate the allegations in respect to debt and default and it was impermissible for Adjudicating Authority to direct the Appellant to file Profit and Loss Account and Balance Sheet of the company for the year 2011-12 to till date.

Cont'd/

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 two days.

The Appellant is also at liberty to serve the notice on the Respondent dasti.

List the appeal 'for admission (after notice)' on 27th August, 2020.

Till next date of hearing the impugned order shall remain stayed.

[Justice Bansi Lal Bhat] Acting Chairperson

> [V. P. Singh] Member (Technical)

[Dr. Alok Srivastava] Member (Technical)

am/gc