

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 1017 of 2020**

**In the matter of:**

**Shri Abhinandan Jain**

**....Appellant**

**Vs.**

**Tanaya Enterprises Pvt. Ltd.**

**....Respondent**

**Present:**

**Appellant:           Mr. Shalabh Singhal, Mr. Anil Kumar Saxena,  
Advocates.**

**ORDER**

**(Through Virtual Mode)**

**08.12.2020:**       One of the issues raised in this appeal preferred against order of admission of application under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) filed by the Operational Creditor- "Tanaya Enterprises Pvt. Ltd. against Corporate Debtor- 'Risa International Ltd.' in terms of the impugned order dated 31<sup>st</sup> August, 2020 passed by the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench, Court No.II is that the impugned order has been passed overlooking the fact that the demand notice in terms of Section 8(1) of the 'I&B Code' was not duly served upon the Respondent.

Contd/-.....

Mr. Shalabh Singhal, Advocate representing the Appellant has pointed out that the seal on the acknowledgment card in respect of the demand notice is of 'Brahmecha Modi & Company', Chartered Accountant who is a stranger to the Corporate Debtor.

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 8<sup>th</sup> January, 2021.

**[Justice Bansi Lal Bhat]  
Acting Chairperson**

**[Justice Anant Bijay Singh]  
Member (Judicial)**

**[Shreesha Merla]  
Member (Technical)**

*AR/g*