

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 506 of 2018

IN THE MATTER OF:

Amitabha Bajpayee & Anr.

...Appellants

Vs

Seco Tools (India) Pvt. Ltd. & Ors.

...Respondents

Present:

**For Appellants: Mr. Arjun Asthana, Ms. Sreenita Ghosh and
Ms. Arka Bannerjee, Advocates.**

For Respondents:

ORDER

31.08.2018: Having heard learned counsel for the appellant and being satisfied of the grounds shown, we condone delay of 15 days in preferring the appeal.

2. The Appellant, Director of the Corporate Debtor has preferred this appeal against order dated 9th July, 2018 whereby the application preferred by Respondent (Operational Creditor) under Section 9 of the Insolvency and Bankruptcy Code, 2016 ('I&B Code' for short) has been admitted by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata.

3. Learned counsel appearing on behalf of the Appellant submits that there was an existence of dispute. Reliance was placed on a letter dated 3rd February, 2013 sent by the Corporate Debtor to the Operational Creditor relating to low performance. However, the Adjudicating Authority has not accepted this as the dispute is about the supply of goods of subsequent period, between 17th December, 2014 and 31st January, 2015, which were the invoices on record.

4. Learned counsel for the Appellant also relied on letter of intent on behalf of the Corporate Debtor in the year 2015, but the same does not related to quality of goods and relates to supply of material directly to one or other party. He also relied on letter dated 22nd November, 2014 but from the said letter we find that it is related to materials supplied during the year 2011-12.

5. We find no merit in this appeal. It is accordingly dismissed. No Cost.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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