

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 443 of 2018

IN THE MATTER OF:

Pinrui Overseas Ltd. N.V.

...Appellant

Versus

Zicom Electronic Security Systems Ltd.

...Respondent

Present:

For Appellant : **Mr. S. Ravishankar and Ms. Yamunah Nachiar,**
Advocates

ORDER

10.08.2018 The appellant '*Pinrui Overseas Ltd. N.V.S.*' (Operational Creditor) preferred an application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the 'I&B Code') which has been rejected by the Adjudicating Authority (National Company Law Appellate Tribunal) Mumbai Bench by impugned order dated 9th April, 2018 on the ground of 'existence of dispute'.

2. From the record, we find that *e-mail* was communicated on 3rd June, 2016 by which the respondent communicated the defects in the manufacturing of the goods and pointed out that 'Lan connector' get faulty; pin is made by copper which is getting corrosion and for the said reason installer has not installed the same.

3. Learned counsel appearing on behalf of the appellant submits that whatever dispute has in existence was settle by the parties subsequently but such submission cannot be accepted as respondent has raised the objection

before the Adjudicating Authority and, therefore, it cannot be held that the matter may settle between the parties.

4. For the reasons aforesaid, we are not inclined to interfere with the impugned order. The Appeal is accordingly dismissed.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/gc/