

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 1015 of 2020**

**In the matter of:**

**M/s. Oriental Coal Corporation**

**....Appellant**

**Vs.**

**M/s. Decore Exxoils Pvt. Ltd.**

**....Respondent**

**Present:**

**Appellant: Mr. Bharat Gupta, Ms. Gunjan Arora, Advocates.**

**ORDER**

**(Through Virtual Mode)**

**03.12.2020:** Appellant's application under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) came to be dismissed at the hands of the Adjudicating Authority (National Company Law Tribunal), Indore Bench at Ahmedabad, Court-1, in terms of the impugned order dated 20<sup>th</sup> March, 2020 on the ground of pre-existing dispute as also limitation. The issue raised in this appeal is that the impugned order is unsustainable as there is acknowledgment of debt on the part of the Corporate Debtor vide e-mail dated 5<sup>th</sup> August, 2015 and that no issue regarding quality of goods supplied by the Appellant to Corporate Debtor was ever raised.

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. Appellant is at liberty to serve dasti.

Contd/-.....

List the appeal on 15<sup>th</sup> January, 2021.

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

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

*AR/g*