

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 350 of 2018

IN THE MATTER OF:

Nisheet Ranjan

...Appellant

Vs.

Letstark Tech Pvt. Ltd.

...Respondent

Present: For Appellant: - Mr. Gaurav Mankotia, Advocate

O R D E R

09.07.2018— The appellant an employee of 'Letstark Tech Private Limited' (Corporate Debtor) filed 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 Tribunal), Chandigarh Bench, Chandigarh by impugned order dated 31st May, 2018 on the ground of 'existence of dispute'.

2. Learned counsel appearing on behalf of the appellant submitted that there was no existence of dispute and in fact with regard to the admitted dues TDS amount from the salary of the appellant has already been deducted by the Corporate Debtor but in spite of the same the salary has not been paid.

3. From the records, we find that the 'Corporate Debtor' enclosed Annexure A-5 with the reply disclosing the year-wise statement of the 'amount payable', 'amount to be deducted for late coming', 'amount actually paid', 'TDS deposited' thereby it was shown the amount due since the year 2008 to 2017 amounting to Rs.28,84,160 and after adjusting the same certain amount is recoverable from the appellant. The Adjudicating Authority, after verification

of the record, held that it is not the Forum to examine as to which portion of the claim of the 'Operational Creditor', and the counter claim made by the 'Corporate Debtor' is recoverable or due or can be said to be defaulted. There being a dispute about the debt as to any amount is payable or not, the Adjudicating Authority held that the application under Section 9 was not maintainable.

Having heard the learned counsel for the appellant and on perusal of the record, we find no ground to differ with the grounds shown by the Adjudicating Authority. The appeal is accordingly dismissed. No cost.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

/ns/sk