

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 780 of 2019

IN THE MATTER OF:

Embee Software Pvt. Ltd.

...Appellant

Versus

Solicon Pvt. Ltd.

...Respondent

**Present: For Appellant : Mr. Lzafeer Ahmad B.F. and Mr. Sujoy
Chatterjee, Advocates**

O R D E R

01.08.2019 Having heard learned counsel for the appellant and being satisfied with the grounds, the delay of 7 days in preferring the appeal is condoned.

I.A. No. 2374 of 2019 stands disposed of.

Learned counsel for the Appellant submits that there is no 'pre-existing dispute and non-payment of dues cannot be termed to be a 'pre-existing dispute' as held by the Adjudicating Authority. Therefore, application u/s 9 of the 'I&B Code' could not have been dismissed on such ground.

Let notice be issued on the respondent by Speed Post. Requisite along with process fee, if not filed, be filed by 2nd August, 2019. If the appellant provides the *e-mail* address of respondent, let notice be also issued through *e-mail*.

Post the case 'for Admission (After Notice)' on 3rd September, 2019.

Pendency of the appeal will not come in the way of the parties to settle the claim.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/ns/gc