

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.931 of 2019

IN THE MATTER OF:

Eastern Electrodes & Coke Pvt. Ltd.

...Appellant

Versus

Bhaskar Shrachi Alloya Ltd.

...Respondent

Present:

For Appellant: Advocate for the Appellant appeared but not marked appearance

For Respondent: None

ORDER

09.09.2019 Learned Counsel for the Appellant submits that the Corporate Debtor cannot take plea that there is a pre-existence of dispute with regard to quality of goods as he has also supplied more goods and none of the goods supplied by the Appellant has been returned and on the other hand, the Corporate Debtor has utilized the goods. It is submitted that once the goods have been utilized, the Corporate Debtor cannot raise the question of pre-existing dispute with regard to the quality.

However, it is required to be determined whether without utilization of the goods, particularly the electrodes in question, the person can make opinion with regard to quality of goods or not.

Let Notice be issued on Respondent. Requisite along with process fee, if not filed, be filed by tomorrow. If the Appellant provides the e-mail address of Respondents, let notice be also issued through e-mail.

Post the case 'for admission' on **21st October, 2019.**

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/rs/sk