

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 860 of 2020

In the matter of:

**Sri Ram Constructions, a Sole of Proprietary of Mr.
Sanjay Kumar**

....Appellant

Vs.

MC Nally Bharat Engineering Company Ltd.

....Respondent

Present:

Appellant: Mr. Deepak Dhingra, Advocate.

ORDER

08.10.2020: Mr. Deepak Dhingra, Advocate representing the Appellant submits that the application filed by the Appellant- Operational Creditor under Section 9 of the Insolvency and Bankruptcy Code, 2016 has been wrongly rejected by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata on the ground of pre-existing dispute about work and amount claimed towards operational debt. It is submitted that the so-called dispute was raised by the Corporate Debtor only after service of demand notice and the same being afterthought and a manipulation could not have been made a ground to deny admission of application.

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.

Contd/-.....

List the appeal on 24th November, 2020.

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

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

**[Shreesha Merla]
Member (Technical)**

AR/g