

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.1171 of 2019

IN THE MATTER OF:

A.K. Alloys

...Appellant

Versus

Emrise Engineering Pvt. Ltd.

...Respondent

For Appellant: Counsel appeared but did not mark appearance

For Respondent: Counsel appeared but did not mark appearance

O R D E R

18.02.2020 Heard Counsel for both sides. At the time of arguments, learned Counsel for the Respondent is pointing out Annexure R-1 (Page 163) of the Appeal as the mail which was sent on 23rd January, 2017 to submit that the ledger attached to the mail showed entry dated 2nd September, 2016 that the Corporate Debtor had paid Rs.25 Lakhs to the Operational Creditor and it reflected in the account of Operational Creditor. It is stated that when Section 9 Application was filed, along with the Application the same account extract was filed by the Operational Creditor for same period, but did not reflect this entry of payment by Corporate Debtor. Same is pointed out at Page – 107 of the Appeal. At this stage, for the first time, the Counsel for Appellant tenders at Bar a letter dated 10th March, 2017 said to have been sent by the Corporate Debtor with regard to how the amounts paid are to be adjusted.

The document is taken on record and marked 'X' for identification. Parties are heard on rest of the merits of the Appeal also.

Reserved for Judgement.

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

(Justice A.B. Singh)
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/rs/md