

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 473 of 2019**

**IN THE MATTER OF:**

**M/s. Jain Irrigation Systems Ltd. ...Appellant**

**Vs.**

**M/s. Sakthi Sugars Ltd. ...Respondent**

**Present: For Appellant: - Mr. M.S. Vishnu Sankar, Advocate.**

**For Respondent: - None.**

**O R D E R**

**23.07.2019—** Having heard learned counsel for the Appellant and being satisfied with the grounds, delay of 2 days in preferring the appeal is hereby condoned. I.A. No. 1511 of 2018 stands disposed of.

The Appellant filed application under Section 9 of the Insolvency and Bankruptcy Code, 2016 which has been rejected by the Adjudicating Authority (National Company Law Tribunal), Division Bench, Chennai, by impugned order dated 28<sup>th</sup> February, 2019.

Learned counsel for the Appellant submits that the Respondent failed to bring on record any evidence relating to pre-existence of dispute and as such disputed question of fact cannot be decided by the Adjudicating Authority in an application under Section 9. Even if the

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amount is disputed that cannot be a ground for rejection of the application under Section 9.

Issue notice. Requisite along with process fee, if not filed, be filed by 24<sup>th</sup> July, 2019. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

Post the case 'for admission' on 28<sup>th</sup> August, 2019.

(Justice S.J. Mukhopadhaya)  
Chairperson

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

(Kanthi Narahari)  
Member(Technical)

Ar/g