

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

**Company Appeal (AT) (Insolvency) No. 126 of 2020**

**IN THE MATTER OF:**

**New Engineering Works**

**...Appellant**

**Vs**

**NTPC GE Power Services Pvt. Ltd.**

**....Respondent**

**Present:**

**For Appellant: Mr. Abhijeet Sinha, Mr. Susheel Joseph Cyial,  
Mr. Ankur S. Kulkarni, Mr. Nirnimesh Dube,  
Ms. Richa Bharadwaj and Mr. Aditya Shukla,  
Advocates.**

**For Respondent:**

**ORDER**

**24.01.2020:** Having regard for the grounds projected, 37 days delay in refiling and 10 days delay in filling the appeal is condoned. I. A. No. 291 of 2020 and I. A. No. 320 of 2020 stand disposed of.

The issue raised in this appeal is that the rejection of application of the Appellant – Operational Creditor on the ground of pre-existence of dispute is unwarranted in view of the communications and letters from the Corporate Debtor certifying workmanship qua the execution of the contract to entire satisfaction with workmanship being of the highest standard. It is submitted by learned counsel for the Appellant that the dispute sought to be raised for the first time subsequent to the demand notice is a concoction designed to defeat the Corporate Insolvency Resolution Process.

Let notice be issued on Respondent by Speed Post. Requisites alongwith process fee be filed by 27<sup>th</sup> January, 2020. If the Appellant provides email address of the Respondent, let notice be also issued through email.

Post the case 'for admission (after notice)' on **13<sup>th</sup> February, 2020.**

[Justice Bansi Lal Bhat]  
Member (Judicial)

[Justice Venugopal M.]  
Member (Judicial)

[Justice Anant Bijay Singh]  
Member (Judicial)

*am/nn*