

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 1128 of 2020

In the matter of:

ABC India Ltd.

....Appellant

Vs.

Oriental EPC Pvt. Ltd.

....Respondent

Present:

Appellant: Mr. Kaushik Chatterjee, Mr. Tirthankar Das, Ms. Rituparna Saha, Advocates.

Respondent: Ms. Sharda Garg, Mr. Pinakiaddy, Advocates (Caveator)

ORDER

(Through Virtual Mode)

04.01.2021: The issue raised in this appeal, filed against dismissal of application under Section 9 of the Insolvency and Bankruptcy Code, 2016 in terms of the impugned order dated 12th February, 2020 passed by the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench, Ahmedabad, Court Room-2 on the ground of there being a pre-existing dispute, is that no dispute for the bills was raised, the project work was completed, the scope and value of the bills was enhanced and even another work order was issued in favour of the Appellant clearly demonstrating that there was no pre-existing dispute.

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 two days.

Contd/-.....

At this stage, Ms. Sharda Garg, Advocate appeared on behalf of the Respondent and filed Caveat No. 191/2020 on behalf of the Respondent. No further notice be served upon Respondent. Caveat is discharged. Let Respondent file reply affidavit along with Vakalatnama within two weeks. Rejoinder, if any, may be filed by the Appellant within two weeks thereof.

Short written submissions not exceeding three pages may also be filed by the learned counsel for the parties along with the pleadings.

List the appeal 'for admission (after notice)' on 8th February, 2021 before Court No.II.

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

**[Justice Anant Bijay Singh]
Member (Judicial)**

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

AR/g