

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 67 of 2021**

In the matter of:

Shri Om Prakash Patel

....Appellant

Vs.

Raj Rajeshwari Sugar Pvt. Ltd. Through IRP & Anr.

....Respondents

Present:

Appellant: Mr. Ashok Kumar Juneja, Ms. Kumud Shekhar, Mr. Mani Bhushan Sinha, Advocates.

**Respondents: Mr. Amresh Shukla (IRP, R1)
Mr. Sanjay Mani Tripathi, Mr. Pramod Kumar Upadhaya, Advocates for R2.**

ORDER

(Through Virtual Mode)

01.02.2021: The issue raised in this appeal filed against impugned order dated 8th January, 2021 passed by the Adjudicating Authority (National Company Law Tribunal), Indore Bench at Ahmedabad, Court No.1 admitting application of the Respondent- Operational Creditor filed under Section 9 of the Insolvency and Bankruptcy Code, 2016 is that the Operational Creditor defaulted in supply of goods resulting in cancellation of supply order and the cheques issued. Thus, there being a pre-existing dispute in regard to supply of goods, the impugned order is not sustainable.

Issue notice upon Respondents. Appellant to provide mobile Nos./ e-mail address of the Respondents. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

List the appeal 'for admission (after notice)' on 2nd March, 2021.

Since the Corporate Debtor is said to be a going concern, the 'Interim Resolution Professional' will ensure that the company remains going concern

Contd/-.....

and will take assistance of the (suspended) Board of Directors and the officers/ Directors/employees. The person who is authorised to sign the bank cheques may issue cheques but only after approval of the 'Interim Resolution Professional'. The bank account of the 'Corporate Debtor' be allowed to be operated for day-to-day functioning of the company such as for payment of current bills of the suppliers, salaries and wages of the employees'/workmen electricity bills etc.

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

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

**[Dr. Alok Srivastava]
Member (Technical)**

AR/g