

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 961 of 2020

In the matter of:

Kewaunee Labway India Pvt. Ltd.

....Appellant

Vs.

JBF Petrochemicals Ltd.

....Respondent

Present:

Appellant: Mr. Chirag Kher and Mr. Tejas SR

**Respondent: Mr. Shiv Kumar Suri, Mr. Shikhil Suri, Ms. Shilpa Saini
and Mr. Prerana Wagh, Advocates (Caveator)**

ORDER

(Through Virtual Mode)

09.11.2020: The impugned order having been passed on 16th March, 2020 and keeping in view the fact that the lockdown due to outbreak of COVID-19 Pandemic was imposed on 23rd March, 2020 with subsequent development in *suo moto* jurisdiction due to imposition of lockdown, the limitation was suspended, we find that the appeal is filed within prescribed period of 30 days and there is no requirement of seeking condonation of delay. I.A. No.2617 of 2020 stands disposed of.

The issue raised in this appeal is that the application of Appellant-Operational Creditor under Section 9 of the Insolvency and Bankruptcy Code, 2016 has been erroneously dismissed due to pre-existence of dispute regarding quality/ quantity while as a matter of fact the liability has been admitted by the Respondent- Corporate Debtor.

Contd/-.....

Issue notice upon Respondent. Notice on behalf of the Respondent is waived and accepted by Mr. Shikhil Suri, Advocate. Respondent to file reply-affidavit within two weeks. Rejoinder, if any, may be filed by the Appellant within two weeks thereof.

Pleadings be completed within aforesaid period and short written submissions not exceeding three pages may also be filed along with pleadings.

List the appeal 'for admission (after notice)' on 17th December, 2020.

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

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

**[Shreesha Merla]
Member (Technical)**

AR/g