

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 210 of 2021

IN THE MATTER OF:

**Hardik Fakirchand Shah
Proprietor of Cotton Hub**

...Appellant

Versus

Male Square Retails Pvt. Ltd.

...Respondent

Present:

For Appellant: Mr. Arjun Padhiyar and Mr. Vikky Dang, Advocates.

For Respondent:

O R D E R
(Through Virtual Mode)

19.03.2021: The issue raised in this appeal preferred against dismissal of application under Section 9 of I&B Code vide impugned order dated 29th January, 2021 passed by the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench Court No. 1 as being barred by limitation is that the last invoice is dated 8th July, 2017 and part payments have been made in years 2016, 2017 and 2018. That apart, it is submitted by Shri Arjun Padhiyar, Advocate representing the Appellant – Operational Creditor that the Corporate Debtor had issued acknowledgement letter dated 20th February, 2019 admitting the claims. Thus the dismissal of application as being barred by limitation is unsustainable.

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

Post the matter 'for admission (after notice)' on **15th April, 2021**.

Meanwhile, as an ad-interim, the impugned order to the extent of slapping a cost of Rs.25,000/- upon the Appellant shall remain stayed till next date of hearing.

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

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

am/gc