

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

**Company Appeal (AT) (Insolvency) No. 523 of 2019**

**IN THE MATTER OF:**

**Continental Carriers Pvt. Ltd.**

**...Appellant**

**Vs.**

**Camson Agri-Ventures Pvt. Ltd.**

**...Respondent**

**Present: For Appellant: - Mr. Adhish Sharma and Mr. Neeraj Malik, Advocates.**

**O R D E R**

**16.05.2019—** The Appellant filed an application under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) for initiation of 'Corporate Insolvency Resolution Process' against 'M/s. Camson Agri Ventures Private Limited'- ('Corporate Debtor'). The Adjudicating Authority (National Company Law Tribunal), Bengaluru Bench, on hearing the counsel for the parties, by impugned order dated 12<sup>th</sup> April, 2019 rejected the application on the ground of 'existence of dispute'.

2. On hearing learned counsel for the Appellant and on perusal of the record, we find that Demand Notice under Section 8(1) of the 'I&B Code' was issued by the Appellant on 30<sup>th</sup> October, 2017. Much prior to issuance of demand notice by e-mail dated 6<sup>th</sup> March, 2017, the

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'Corporate Debtor' raised dispute about insufficient services in sending the goods on time.

3. Admittedly, the Appellant is a transport carrier which provides services and not the goods. There being a dispute about providing proper services, we hold that the application under Section 9 was not maintainable.

4. In absence of any merit, the appeal is dismissed. No costs.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice A.I.S. Cheema)  
Member(Judicial)

(Kanthi Narahari)  
Member(Technical)

Ar/g