

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI
COMPANY APPEAL(AT) (INSOLVENCY)NO.503 OF 2018

IN THE MATTER OF:

Eastern Travels Pvt Ltd

Appellant

Vs

Swash Convergence Technologies Ltd

Respondents

Present:

For Appellant:-Mr. K.K. Krishna Prabhu, Advocate.

For Respondent: None.

O R D E R

30.08.2018 - Admittedly Notice under Section 8(1) of Insolvency & Bankruptcy Code, 2016 sent by appellant (operational creditor), sent by speed post to the Corporate Debtor has been returned with the remarks that “No such Company is located there”. Learned counsel for the appellant submits that there is no other way for the appellant except to send the notice through email or publication of notice in the newspaper. Without expressing our opinion, we allow the appellant to take fresh service of notice through any of the mode permissible in accordance with law to the Corporate Debtor or the Directors of the Corporate Debtor. After service of notice and if no reply is received or amount is not paid within 10 days, the appellant may prefer a fresh application under Section 9 of the I&B Code before the Adjudicating Authority who will consider the same in accordance with law uninfluenced by the impugned order dated 19th July, 2018.

The appeal stands disposed with aforesaid observations. No cost.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member (Judicial)

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