

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT)(Insolvency) No. 702 of 2018

IN THE MATTER OF:

Shri Balaji Betel Nuts Pvt. Ltd.

...Appellant

Vs

Manoj Kumar Agarwal

....Respondent

Present:

**For Appellant: Mr. Surjan Singh Shekhawat and Mr. Ravindra
 Kumar Singh, Advocates**

ORDER

13.11.2018 The Appellant- Corporate Debtor has preferred this appeal against the order dated 20th September, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi which reads as follows:

“Order

The additional affidavit filed on 29.06.2018, still lacks in material particulars. Therefore, we reject the same of that reason. A proper application seeking amendment of the main petition should have been filed that would have resulted in taking out the incorrect pleadings from the main petition replacing them with the amended pleadings. Let the needful be done within ten days with a copy in advance to the counsel opposite.

List for further consideration on 26.10.2018.”

Learned Counsel for the Appellant tried to justify the additional affidavit but we are not inclined to make any observation in the present appeal for the following reasons:

- a) The application under Section 7 of Insolvency and Bankruptcy Code, 2016 (in short 'I&B Code') against the Appellant-‘Corporate Debtor’

is pending since 02.04.2018 and all the time for one or other reason, the case has been adjourned.

- b) It seems that in spite of giving time to the Appellant, the Appellant failed to bring any such material facts. It also seems that Corporate Debtor wants to linger the matter.
- c) The Adjudicating Authority has considered and decided application under Section 7 of I&B Code and therefore the application preferred by Mr. M.K. Agrawal is in accordance with law.

The appeal is dismissed with the aforesaid observations. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansilal Bhat]
Member (Judicial)

Akc/Gc