

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 1126 of 2020**

**In the matter of:**

**Technico Strips & Tubes Pvt. Ltd. ....Appellant**

**Vs.**

**Emkay Automobile Industries Ltd. ....Respondent**

**Present:**

**Appellant: Dr. Rajansh Thukral, Advocate.**

**ORDER**

**(Through Virtual Mode)**

**04.01.2021:** The issue raised in this appeal against dismissal of application under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) filed by the Appellant- Operational Creditor before the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench-V, is that the impugned order is unsustainable as the default is of pre-COVID period viz. prior to 25<sup>th</sup> March, 2020 and Section 10A of the 'I&B Code' cannot operate as a bar for initiation of Corporate Insolvency Resolution Process.

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

List the appeal 'for admission (after notice)' on 8<sup>th</sup> February, 2021.

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

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

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

AR/g