

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins.) No. 363 of 2021

In the matter of:

Hirabhai Bavbhai Ahir

...Appellant

Vs.

Royss Traders & Anr.

...Respondents

Present

For Appellant: Mr. Malak M Bhatt, Mr. Rajat Bector & Monnal Davawalav.

For Respondents: None.

ORDER
(Virtual Mode)

21.05.2021: Heard Learned Counsel for the Appellant Shri Malak M Bhatt. He submits that the Learned Adjudicating Authority has erroneously admitted the Application under Section 9 of Insolvency & Bankruptcy Code, 2016 overlooking the fact that there is pre-existing dispute as Operational Creditor has filed the Civil Suit. He further submits that the Constitution of (CoC) may be stay otherwise the Appeal may have rendered infructuous.

He also submits that the advance Notices has already been served on the Respondents.

Today, none of the Respondents is present. Issue Notice to Respondents by speed post. Requisites alongwith process fee, be filed, if not filed within two days, if the Appellant provides the email ID of the Respondents. Let notice be also issued through email.

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It is ordered that if CoC is not constituted it be put on hold till next date of hearing.

Let the matter be fixed **'For Admission (After Notice)'** on **8th June, 2021**.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

Sim/Md