

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

**Company Appeal (AT) (Insolvency) No. 119 of 2017**

**IN THE MATTER OF:**

**M/s. Maini Construction  
Equipment Pvt. Ltd.**

**...Appellant**

**Versus**

**Nitin Khandelwal & Anr.**

**...Respondents**

**Present:**

**For Appellants :           Shri Nakul Mohta and Shri Videh Vaish, Advocates  
                                  Shri Vineet K. Chaudhary, Advocate**

**For Respondents:        Shri Dushyant K. Mahant and Shri Ankur Mittal,  
                                  Advocates**

**ORDER**

**01.08.2017**   Let notice be issued on the respondents. Shri Dushant K. Mahant, Advocate accepts notice on behalf of the respondents. No further notice need be issued on them. The following questions arises for consideration in the appeal :

- i)   Whether in absence of notice issued on the appellant – ‘Corporate Debtor’ by the adjudicating authority, the impugned order can be sustained?
- ii)   Whether there is an ‘existence of the dispute’ as appears from the observation of adjudicating authority as made in paragraphs 5 and 6 of the impugned order?

- iii) Whether there are other defects in the application preferred by respondent, as pointed out by the learned counsel for the appellant?

Post the matter on 25<sup>th</sup> August, 2017.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Balvinder Singh ]  
Member (Technical)