

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 127 of 2017

IN THE MATTER OF :

M/s. Paharpur Cooling Towers Limited

... Appellant

Versus

Dalmia Cement (Bharat) Limited

... Respondent

**Present: For Appellant : Shri R. Murari, Senior Advocate with
Shri Raj Jhabakh and Shri Pawan
Jhabakh and Ms. Shruti Iyer, Advocates**

**For Respondent: Shri Goutam Shivshankar with Shri
Avinash Krishnan Rao, Advocates**

ORDER

08.08.2017 The question arises whether the Tribunal ought to have allowed the appellant to start the insolvency and bankruptcy proceeding without giving notice under Section 8 of the Insolvency and Bankruptcy Code, 2016 (I&B Code for short), followed by Rule 4(3) of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016, before going through the question whether the bank statement as per Section 9(3),(b) & (c) of the I&B Code has been complied with or not ?

Let Notice be issued on the respondent.

...2/-

Shri Goutam Shivshankar, Advocate accepts notice on behalf of the respondent. No further notice need be issued on it. The respondent is allowed a week's time to file reply. Rejoinder, if any, be filed within a week thereof.

Post the matter on 31st August, 2017.

[Justice S.J. Mukhopadhaya]
Chairperson

[Balvinder Singh]
Member (Technical)