

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insol.) Nos. 144 and 149 of 2017

IN THE MATTER OF:

Jammu Paper Pvt. Ltd.

.....Appellant

Vs.

M/s. Shiv Pooja Traders

...Respondent

Present: For Appellant:- Mr. Jayant Mehta, Mr. Atul Sharma, Mr. Nitesh Jain, Ms. Arveena Sharma and Mr. Shubhankar, Advocates.

For Respondent:- Mr. Nonu Khera, Advocate.

ORDER

23.08.2017- Two separate impugned orders are under challenge for which two separate fees have been filed. The office is directed to provide a separate case number with respect to subsequent order dated 21st July, 2017.

Ld. Counsel for the appellant submits that neither notice under section 8 of the Insolvency and Bankruptcy Code, 2016, (hereinafter referred to as "I & B Code") nor notice in terms of Rule 5(3) of the I & B Code (Application to the Adjudicating Authority) Rules 2016 was served on the appellant. If such notice would have been served, the appellant would have settled the matter with the 'Operational Creditor', which they have reached after admission of the application. Learned counsel for the appellant also stated that the Adjudicating Authority has not issued any

notice individually before admitting the application under Section 9 of I & B Code.

Mr. Nonu Khera, Advocate accepts notice on behalf of the respondent. No further notice need be issued. The respondent may file a short reply.

Post the matter on 31st August, 2017.

The case may be disposed of at the stage of admission.

(Justice S.J. Mukhopadhaya)
Chairperson

(Balvinder Singh)
Member(Technical)

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