

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 280 of 2017**

**IN THE MATTER OF:**

**SoftwareONE India Private Limited**

**...Appellant**

**Vs**

**Emkor Solutions Limited**

**....Respondent**

**Present:**

**For Appellant: Mr. Sanjiv Dagar, Advocate.**

**For Respondent: Mr. Ayush Kapur, Mr. Ayush Sahni and Mr. Lohit Kumar Bimal, Advocates.**

**O R D E R**

**28.02.2018.** In view of the decision of Hon'ble Supreme Court in '*Macquarie Bank Limited*' Vs '*Shilpi Cable Technologies Ltd.*' in *Civil Appeals No. 15135, 15481 and 15447 of 2017 on 15<sup>th</sup> December, 2017*, it may be accepted that the certificate given by the bank is enough to find out that there is default or not. Similarly, decision of this Appellate Tribunal for 7 days period for removal of defects is mandatory has already been reversed by Hon'ble Supreme Court.

So far as existence of dispute is concerned, parties are allowed time to address the court on such issue giving list of dates of supply and may refer the document(s) of dispute, if any. The appeal may be disposed of on the next date.

Post the matter as first case on **6<sup>th</sup> March, 2018**.

(Justice S. J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member (Judicial)

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