

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

**Company Appeal (AT) (Insolvency) No. 25 of 2018**

**IN THE MATTER OF:**

**Gaurav Vinod Goel**

**...Appellant**

**Vs.**

**Inox Air Products Pvt. Ltd.**

**...Respondent**

**Present: For Appellant: - Mr. Arun Kathpalia, Senior Advocate with Mr. Nikhil Nayyar, Mr. Darshan Mehta and Mr. Divyanshu Rai, Advocates.**

**For Respondent:- Mr. Sahil Narang, Advocate.**

**O R D E R**

**22.01.2018-** Learned Senior Counsel for the Appellant submits that there is an 'existence of dispute' much prior to the issuance of notice under sub-section (1) of Section 8 of the Insolvency and Bankruptcy Code, 2016 as evident from the notice issued under Sections 433 and 434 of the Companies Act, 1956 on 7<sup>th</sup> August, 2016 and reply dated 12<sup>th</sup> May, 2016 to the notice issued under Section 138 of the Negotiable Instrument Act. It is submitted that though the Adjudicating Authority (National Company Law Tribunal) has noticed all the facts but taking into consideration the so-called admission made through e-mail dated 9<sup>th</sup> October, 2015, come to conclusion that there was no 'dispute in existence'. It is also submitted that the parties have already settled the

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dispute.

Let notice be issued on Respondent. Mr. Sahil Narang, Advocate accepts notice on behalf of the Respondent. No further notice need be issued to them. Respondents may file reply along with vakalatnama within a week. Rejoinder, if any, be filed within three days thereof.

Post the matter on 29<sup>th</sup> January, 2018 for disposal.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

Ar/uk