

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 10 of 2018

IN THE MATTER OF:

Bell Finvest India Ltd.

...Appellant

Vs.

**Intercon Container & Survey
& Commodities Pvt. Ltd.**

...Respondent

**Present: For Appellant: - Shri Uday Pratap Singh, Shri Vinit J.
Mehta and Shri Anirudh Purshotam, Advocates**

O R D E R

23.01.2018- From paragraph 12 of the impugned order, we find that the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench rejected the application preferred by the appellant under Section 7 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the "I & B Code") for the reasons mentioned therein. Whether the Adjudicating Authority can rely on such facts while entertaining an application under Section 7 is the question to be determined in this appeal.

Notices issued earlier have not been delivered on the respondent. Let fresh notice be issued on the respondent. Ms. Shruti Agarwal, Advocate accepts notice on behalf of the respondent. No further notice need be issued on it. Appellant may serve a copy of the paper book on the learned counsel for the respondent by tomorrow.

Post the matter on 5th February, 2018.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

ns/uk