

NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
NEW DELHI

Company Appeal (AT) (Insolvency) No.103 of 2017

IN THE MATTER OF:

Inox Wind Ltd

...Appellant

Vs

M/s Jeena & Co.

...Respondent

**Present: Mr. Amit Sibal, Sr. Advocate with Mr. Sudhir Kumar, Mr. Anand Shankar Jha, Mr. Pulkit Srivastava, Advocates with Mr. Kalyan Ghosh, Head (Legal) for Appellant.
Mr. Saurabh Prakash, Advocate for the Respondent.**

ORDER

17.07.2017- Learned Counsel for the appellant is allowed to file second set of appeal as two orders are under challenge in this appeal. Requisite alongwith process fee, if not filed, be filed by tomorrow. On filing the office will treat it as two appeals and provide two registration number accordingly.

Learned counsel of the applicant submits that the application under Section 9 of the Insolvency & Bankruptcy Code, 2016 preferred by the Respondent was not served on the appellant.

It is also submitted that while admitting the appeal the adjudicating authority passed the order without giving notice of hearing to the appellant. In fact the notice was served in evening of 4th July, 2017 at Una, Himachal Pradesh and the date of hearing was fixed on 5th July, 2017 at Chandigarh. It is also submitted that the parties have settled the dispute. It is also accepted by the

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learned counsel appearing on behalf of the Respondent. According to Learned Senior counsel of the appellant, if on ground of violation of Rules of natural justice the impugned orders are set aside, the respondent cannot file any fresh application under Section 9 of the Insolvency and Bankruptcy Code, 2016 having settled the dispute.

Shri Saurabh Prakash, Advocate has already appeared on behalf of the Respondent. No further notice be issued on them.

Post the matter on 24th July, 2017 for disposal. Respondent may file short reply in the meantime.

(Justice S.J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member (Technical)

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