

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 327 of 2018

IN THE MATTER OF:

Sudhir Sales & Services Limited

...Appellant

Vs.

D-Art Furniture Systems Private Limited

...Respondent

Present: For Appellant: - Mr. Piyush Kaushik and Mr. Y.Sarat Chandra, Advocates

For Respondent:- None

ORDER

04.07.2018— Learned counsel appearing on behalf of appellant submits that after remand of the petition under Section 433(e) of the Companies Act 1956 from High Court to the Adjudicating Authority, the appellant sent Demand Notice under Section 8(1) of 'I & B Code' 2017 (dated as 2nd September 2016 – Annexure A-10, Page 193). The said Demand Notice was issued by Shri Manish Kumar & Associates, but in view of the judgement of this Appellate Tribunal, the subsequent Demand Notice under Section 8(1) was issued on 20th December 2017. It was in pursuance of the earlier Demand Notice under Section 8(1) dated 2nd September 2017, the Corporate Debtor replied on 2nd September 2017 and 9th November 2017 disputing the claim on one or other ground. Otherwise there was no existence of dispute in existence prior to the first notice given under Section 8(1) on 2nd September 2017. The Adjudicating Authority based on the reply given subsequent to notice dated 2nd September 2017 and 9th November 2017,

observed that there is an existence of dispute though those disputes cannot have taken into consideration not being existence of dispute prior to notice under Section 8(1).

Let notice be issued on Respondent by speed post. Requisite along with process fee, if not filed, be filed by tomorrow. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

Post the matter for admission on 23rd July 2018.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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