

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

**Company Appeal (AT) (Insolvency) No. 339 of 2018**

**IN THE MATTER OF:**

**Sunil Sharma**

**...Appellant**

**Versus**

**Hex Technologies Pvt. Ltd.**

**...Respondent**

**Present:**

**For Appellant :                      Mr. Gaurav Yadav, Advocate**

**O R D E R**

**04.07.2018**            One of the ground taken by the Adjudicating Authority is that the notice under Section 8(1) was issued by a lawyer and rejected the application filed under Section 9 of the Insolvency and Bankruptcy Code, 2016 (for short, ‘the I&B Code’). Mr. Gaurav Yadav, learned counsel appearing on behalf of the appellant submits that while the arguing counsel is unwell, brought the aforesaid fact to our notice that the decision of this Appellate Tribunal in “*Uttam Galva Steels Limited vs. DF Deutsche Forfait AG & Anr. – Company Appeal (AT) (Insolvency) No. 39 of 2017*” has already been reversed by the Hon’ble Supreme Court of India and wherein it has been held that an advocate can issue demand notice under Section 8(1) of the I&B Code.

Let notice be issued on the respondent by Speed Post. Requisite alongwith process fee, if not filed, be filed by tomorrow i.e. 5<sup>th</sup> July, 2018. If the appellant

provides *e-mail* address of the respondent, let notice be also issued through *e-mail*.

Post the matter on 24<sup>th</sup> July, 2018.

In the meantime, it will be open to the parties to settle the claim.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)

/ns/sk/