

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

**Company Appeal (AT) (Insolvency) No 196 of 2018**

**IN THE MATTER OF:**

**Pranja Prakash Nayak**

**...Appellant**

**Vs**

**ASAP Info Systems Pvt. Ltd. & Anr.**

**....Respondents**

**Present:**

**For Appellant: Mr. Arun Kathpalia, Sr. Advocate with Mr. Shankh Sengupta and Ms. Aanchal Kapoor, Advocates.**

**For Respondents: Mr. Alok Shankar and Mr. Bhuwan Arora, Advocates for R-1.**

**Mr. Ashok Kumar Juneja and Ms. Renu Tyagi, Advocates for R-2 (RP).**

**O R D E R**

**06.07.2018:** Learned counsel for the Appellant submits that notice under Section 8(1) of I&B Code was not served on the Corporate Debtor. The Adjudicating Authority had also not served any notice before admitting the application under Section 9. It is further submitted that three of the Agreements show that there is no debt due and therefore there is no default. It is also submitted that the 'Operational Creditor' was not in existence on the date of the admission of the application under Section 9, having dissolved by order of the competent authority (page 20, 28-29 of the Supplementary Affidavit).

Learned counsel for the Respondent is allowed time to address on aforesaid issue.

Post the case 'for admission (after notice)' on **11<sup>th</sup> July, 2017** on the top of the list. Appeal may be disposed of on the next date.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansilal Bhat]  
Member (Judicial)

*am/gc*