

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 373 of 2018

IN THE MATTER OF:

Shashi Kanth Jain

...Appellant

Versus

Alloys & Metals (India)

...Respondent

Present:

For Appellant : **Mr. Alok Dhir, Ms. Varsha Banerjee, Ms. Poonam Agarwal, Mr. Dilip Agarwal and Mr. Tarun Mehta, Advocates**

For Respondent : **Mr. Abhishek Anand and Ms. Srishti Kapoor, Advocates**

O R D E R

16.07.2018 One of the ground taken by the appellant is that the respondent 'Alloys & Metals (India)' is not a registered firm and thereby it cannot be held to be a "Operational Creditor". However, such plea cannot be accepted in view of the fact that 'supply of goods' by the respondent to the 'Corporate Debtor' has not been denied.

At this stage, learned counsel appearing on behalf of the appellant submits that the appellant 'Corporate Debtor' being Central Government Undertaking, it should be given an opportunity to settle the dispute. Further according to him, there being a strike in the factory and office of the 'Corporate Debtor', it is to be ascertain whether amount is actually payable and whether there is an existence of dispute.

Mr. Abhishek Anand, Advocate accepts notice on behalf of the respondent. He is allowed to obtain instructions and state as to whether the 'Operational Creditor' is interested to settle the claim, taking into consideration the amount they may finally receive if the 'corporate resolution process' is successful.

Post the case for 'orders' on 8th August, 2018.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/uk/