

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

**Company Appeal (AT) (Insolvency) No. 85 of 2018**

**IN THE MATTER OF:**

**M/s. Impex Services India Pvt. Ltd.**

**...Appellant**

**Versus**

**M/s. DBA Enterprises LLP.**

**...Respondent**

**Present:**

**For Appellant:     Mr. K.V. Balakrishnan, Advocate.**

**O R D E R**

**14.03.2018—** Taking into consideration the grounds shown, delay of three days in re-filing the appeal is condoned.

Learned counsel appearing on behalf of the Appellant submits that the agreement dated 1<sup>st</sup> October, 2015 (Page No. 123) between M/s. SSMP Industries Ltd. (First Party) and the Appellant M/s. Impex Services India Pvt. Ltd. does not relate to any transactions made between the Appellant and M/s. DBA Enterprises LLP ('Corporate Debtor'). The Adjudicating Authority (National Company Law Tribunal), New Delhi Bench wrongly relied on such argument to come to the conclusion that there is an 'existence of dispute' between the Appellant ('Operational Creditor') and the Respondent ('Corporate Debtor').

Contd/-.....

Let notice be issued on Respondent by speed post. Requisite along with process fee, if not filed, be filed by 15<sup>th</sup> March, 2018. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

Post the matter on 4<sup>th</sup> April, 2018.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

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