

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

**Company Appeal (AT) (Insolvency) No. 101 of 2018**

**IN THE MATTER OF:**

**M/s. Mitcon Consultancy & Engineering  
Services Ltd.**

**...Appellant**

**Versus**

**Vitthal Corporation Ltd.**

**...Respondent**

**Present: For Appellant :      Mr. Rajiv S. Roy, Mr. Avrojoyoti Chatterjee and  
   Ms. Jayshree Saha, Advocates**

**O R D E R**

**22.03.2018**      The question arises for consideration in this appeal is whether the appellant comes within the meaning of “Operational Creditor” in terms of Section 5(20) and (21) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the ‘I &B Code’), if it has rendered consultancy services to the respondent –‘Corporate Debtor’ and shown the claim arising out of consultancy services in Form 5. If it is answered in affirmative, then whether the Adjudicating Authority can dismiss the application on the ground that the applicant has included legal claims in its 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 26<sup>th</sup> March, 2018. If the appellant provides *e-mail* address of the respondent, let notice be also issued through *e-mail*.

Post the matter on 23<sup>rd</sup> April, 2018.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)