

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeals (AT) (Insolvency) No.47 of 2017**

**IN THE MATTER OF:**

**Speculum Plast Private Limited**

**...Appellant**

**Vs**

**M/s PTC Techno Private Ltd**

**...Respondent**

**Present: Mr. Kanti Mohan Rustagi, Advocate with Mr. Shubho Jana,  
Advocate for the appellant.**

**ORDER**

**09.05.2017-** One of the questions arises as to whether Section 433 of the Companies Act, 2013 will be applicable in the matter of insolvency process under Insolvency and Bankruptcy Code, 2016. If it is so applicable then the question will be whether in view of refusal of respondent to reply notice under Section 8 of the Insolvency & Bankruptcy Code, 2016, it would be treated as a fresh cause of action for initiation of process under Section 9 of the Insolvency & Bankruptcy Code, 2016.

Issue notice to the respondent by speed post. Requisite alongwith process fee if not filed be filed by tomorrow. If the appellant provides the e-mail address of the respondent, let notice be also issued through email.

Post the matter on <sup>19th</sup> May, 2017.

(Justice S.J. Mukhopadhyaya)  
Chairperson

(Mr. Balvinder Singh)  
Member (Technical)

bm