

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

**COMPANY APPEAL (AT) (Insolvency) No.51 OF 2017**

**In the matter of:**

**Steel Konnect (India) Pvt Ltd**

**...Appellant**

**Versus**

**Hero Fincorp Limited**

**....Respondent**

**Present: Mr. Vivek Sibal with Ms Pooja M Saigal, Advocates and  
Mr Ajay Tola, CA for the appellant.**

**Mr. V D'Costa, with Ms Astha, Advocates for the  
Respondent.**

**Order**

**26.05.2017-** Learned counsel appearing on behalf of the appellant pointed out the defects in application preferred by the respondent and submitted that notice in terms of sub-rule (3) of Rule 4 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 was given prior to filing of application through a law firm though the financial creditor was supposed to give such notice to the corporate debtor after filing of the same with adjudicating authority so as to allow the appellant to bring to the notice of the adjudicating authority documents or information to refute the event of default/debt, if any. Even the Adjudicating Authority had not given any opportunity to file such an affidavit bringing defects, if any, to its notice.

Admit. Mr. Vanancio D'Costa, Advocate accepts notice on behalf of the Respondent. No further notice be issued to them.

Learned counsel appearing on behalf of the Respondent prays for and is allowed three days' time to file reply.

Post the matter on 2<sup>nd</sup> June, 2017 for final hearing.

Parties may file short written submissions before next date.

(Justice S.J. Mukhopadhyaya)  
Chairperson

(Mr. Balvinder Singh)  
Member (Technical)