

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 196 of 2018

IN THE MATTER OF:

Prajna Prakash Nayak

...Appellant

Versus

**M/s. ASAP Info Systems Pvt. Ltd.
& Anr.**

...Respondents

Present:

**For Appellant : Mr. Jayant Mehta, Mr. Pallav Shukla and Mr. Akshay
 Puri, Advocates**

O R D E R

09.05.2018 Learned counsel for the appellant referring to Clause 3 of the 'Agency Agreement' (page 71) submitted that the 'Operational Creditor' has not issued any written 'purchase order' and thereby cannot claim that there is 'debt due' or 'default'. The 'Corporate Debtor' could have brought this fact to the notice of the Adjudicating Authority as no notice at the stage of admission of application under Section 9 was given to the 'Corporate Debtor'. It is also stated that no notice under Section 8(1) was served on the 'Corporate Debtor'.

Let notice be issued on the respondents by Speed Post. Requisite alongwith process fee, if not filed, be filed by 10th May, 2018. If the appellant provides *e-mail* address of the respondents, let notice be also issued through *e-mail*.

In the meantime, appellant is allowed to file additional affidavit and state as to whether in terms of the agreement they received any goods or enjoyed the

services from the 'Operational Creditor' or not even in absence of written purchase order and whether the invoices were raised against such supply of goods or for rendering services.

Post the matter for 'admission' on 24th May, 2018.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/gc