

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 264 of 2018

IN THE MATTER OF:

**Pravin Arjun Patel,
Through Ravikant Seth**

...Appellant

Versus

J. K. Lakshmi Cement Ltd.

...Respondent

Present:

**For Appellant : Mr. Santosh Kumar, Mr. Sanjeev Arora and Mr.
 Kailash Chandra, Advocates**

For Respondent: Mr. Amit P. Deshpande, Advocate

O R D E R

30.05.2018 Learned counsel for the appellant submits that without serving any notice under Section 8(1) of the Insolvency and Bankruptcy Code, 2016 (in Form 3 or in Form 4) an application under Section 9 was filed by the respondent ('Operational Creditor'). He placed reliance upon the affidavit of compliance of order dated 22nd August, 2017 filed by the 'Operational Creditor' in CP/CA No. 1221/2016 wherein it is mentioned that demand notice has been received back with the postal remarks "left without address". Copy of the returned envelope has also been enclosed therewith as Annexure B.

Let notice be issued on the respondent.

Mr. Amit P. Deshpande, Advocate accepts notice on behalf of the respondent. Learned counsel for the appellant has already served a copy of the paper-book on the counsel for the respondent. Respondent is allowed two weeks'

time to file reply along with Vakalatnama. Rejoinder, if any, be filed by the appellant within a week thereof.

Post the case for 'admission' on 2nd July, 2018. The appeal may be disposed of at the stage of admission.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/gc