

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 253 of 2017

IN THE MATTER OF :

IVRCL Limited

... Appellant

Versus

Sanghvi Movers Limited

... Respondent

**Present: For Appellant : Shri Sumesh Dhawan, Ms. Vatsala Kak and
Ms. Tanya Baranwal, Advocates**

O R D E R

02.11.2017 Learned counsel for the appellant submits that notice under sub-Section (1) of Section 8 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'I&B Code') has been issued by an advocate. Further, according to him, in a pending proceeding under Section 9, the Adjudicating Authority cannot allow the respondent to issue another Demand Notice under sub-Section (1) of Section 8 as it does not amount to removal of defect in the application under Section 9. It is submitted that an application under Section 9 can be preferred only ten days after serving the Demand Notice under sub-Section (1) of Section 8.

Let Notice be issued on the respondent by Speed Post. Requisites along with process fees, if not filed, be filed by tomorrow i.e. 3rd November, 2017. If the appellant provides e-mail address of the respondent, let notice be also issued through e-mail.

Post the matter on 21st November, 2017.

In the meantime, the Adjudicating Authority (National Company Law Tribunal), Hyderabad Bench, Hyderabad will not admit the C.P.No.117/9/HDB/2017, even if notice under sub-Section (1) of Section 8 is being issued by the 'Operational Creditor' pursuant to the impugned order.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ng/