

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 268 of 2017

IN THE MATTER OF:

M/s. Manipal Technologies Ltd.

...Appellant

Vs.

M/s. Reliance Communications Ltd.

...Respondent

**Present: For Appellant: - Mr. Rudreshwar Singh, Mr. D.K. Thakar,
Mr. Gautam Singh, Mr. Pawan Kumar Sharma and Mr.
Soumopalit, Advocates.**

ORDER

15.11.2017- Learned counsel for the Appellant submits that the invoices/demand notice under Form-4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 was served on 'Corporate Debtor' as required under sub-section (1) of Section 8 of the Insolvency and Bankruptcy Code, 2016. Thereafter, the 'Corporate Debtor' informed the Appellant ('Operational Creditor') to forward a copy of the invoices/demand notice in Form-4 to its 'financer' to ensure payment. No payment having made when application under Section 9 of the 'I&B Code' was filed in Form-1, the Respondent-'Corporate Debtor' objected the application on the ground that demand notice/invoices in Form-4 was served on another party and not on the 'Corporate Debtor'. In view of such mislead stand taken by 'Corporate

Contd/-.....

Debtor', the Adjudicating Authority dismissed the application preferred by Applicant under Section 9 of the 'I&B Code'.

Let notice be issued on Respondents by speed-post. Requisites along with process fee, if not filed, be filed by 18th November, 2017. If the appellant provides e-mail address of the respondents, let notice also be issued through e-mail.

Post the matter on 4th December, 2017.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/uk