

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI
REVIEW APPLICATION(AT)(INSOLVENCY) NO.275 OF 2017

IN THE MATTER OF:

Bajoria Holdings Pvt Ltd

Appellant

Vs

Bard Roy Infotech Pvt Ltd & Anr

Respondents

Present:

For Appellant:-Dr. A.M.Singhvi, Senior Advocate, Mr. Nakul Dewan, Mr. Avishkar Singhvi, Mr. Pradhuman Gohil, Mr. Himanshu Chaubey, Ms Neelu Mohan, Advocates.

For Respondents: - Nonee.

O R D E R

22.11.2017 - The question arises for consideration in this appeal is when there is an admitted dispute in existence between the parties which may relates to one or other State can be a ground to reject the application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as “I&B Code”).`

In the present case it appears that the appellant, Corporate Debtor, has entered two agreements with the respondent (operational creditor) in regard to two States i.e. U.P. and Orissa. Respondent (operational creditor) moved the application under Section 9 of I&B Code on alleged default of debt for the services it rendered in the State of Orissa in support of which it enclosed the bank statement which relates to both the States. When the appellant pointed out that there is a dispute in existence the Adjudicating Authority held that the dispute in existence related to service rendered in an other State U.P. and not with regard to services rendered in the State of Odisha, and rejected the objection. Thereafter, the respondent appears to have settled the dispute with the appellant (corporate debtor) on 13.11.2017 and then filed a claim petition before the Interim Resolution Profession (IRP) with regard to total claim as due for services rendered in both the State of U.P. and Odisha.

Let notice be issued on respondents through speed post. Requisites alongwith process fee, if not filed, be filed by tomorrow. If the appellant provides the email address of the respondent, then notice be also issued through email. Dasti Service is also permitted. Let a copy of this order be also forwarded to the respondents alongwith notice.

In the meantime, the Interim Resolution Profession(s) will ensure that the company remains on-going and if so necessary will take assistance of the (suspended) Board of Directors. The person who is authorised to sign the bank cheques may issue cheque only after authorization of the Interim Resolution Profession(s). The bank accounts(s) of the 'Corporate Debtor(s)' be allowed to be operated for day-to-day functioning of the company such as for payment of current bills of the suppliers, salaries and wages of the employees'/workmen electricity bills. etc. but no dues of period prior to order of moratorium be made.

Post the matter on 5th December, 2017.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member (Judicial)

bm/uni