

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 221 of 2017

IN THE MATTER OF:

Falcon Tyres Limited

...Appellant

Vs.

**Belthangady Taluk Rubber Growers
Marketing & Processing
Co-op Society Ltd. & Anr.**

...Respondents

**Present: For Appellant: - Mr. Rajshekhar Rao, Mr. Ashok Kumar
Jain, Mr. Amit A. Pai and Ms. Gauri, Advocates.**

ORDER

16.10.2017- Learned counsel appearing on behalf of the appellant submits that there is an 'existence of dispute' with regard to subject matter and a case has already been instituted and was pending on the date the application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'I&B Code') was filed. This has been mentioned in the format in which the application under Section 9 of the 'I&B Code' was filed (Referred Page 93).

Let notice be issued on Respondents by speed post. Requisites along with process fee, if not filed, be filed by 18th October, 2017. If the appellant provides e-mail address of the respondents, let notice also be issued through e-mail. The appellant may file additional affidavit enclosing various documents in support of pendency or disposal of the suit.

Post the matter on 7th November, 2017.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice A.I.S. Cheema)
Member (Judicial)

(Balvinder Singh)
Member(Technical)

Ar/uk