

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 233 of 2017**

**IN THE MATTER OF :**

**Mr. Himalay Dassani**

**... Appellant**

**Versus**

**M/s. South East U.P. Power Transmission  
`Company Limited**

**... Respondent**

**Present: For Appellant : Shri Abhijeet Sinha, Shri Shashank Agarwal  
and Shri Aditya Shukla, Advocate**

**ORDER**

**25.10.2017** One of the questions arises in this appeal is whether an application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'I&B Code') can be rejected on the ground that an agreement is null and void. The other question is whether the filing of two different applications under Section 9 before the two different Adjudicating Authorities where separate cause of action has taken place against two different 'Corporate Debtors' can be a ground to reject one or other application.

Let notice be issued on the respondent by Speed Post. Requisite along with process fees, if not filed, be filed by tomorrow i.e. 26<sup>th</sup> October, 2017. If the appellant provides e-mail address of the respondent, let notice be also issued through e-mail.

Post the matter on 15<sup>th</sup> November, 2017.

In the meantime, the appellant may file supplementary affidavit including the copy of the notice issued under sub-Section (1) of Section 8, reply, if any, and the application under Section 9 (Form-5) of the I&B Code.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

/ng/