

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 178 of 2017

IN THE MATTER OF

**DBM Geotechnics & Constructions
Pvt. Ltd.**

... Appellant

Vs.

Gopalpur Ports Ltd.

... Respondent

Present: For Appellant: - Mr Jayant Bhushan, Senior Advocate, Ms Vanita Bhargava, Mr Aseem Chaturvedi, Mr Yogi Joshi and Ms Shweta Kabra, Advocates.

ORDER

13.09.2017 — In the present appeal one of the grounds preferred by the Appellant under Section 9 of the Insolvency & Bankruptcy Code, 2016 is that there is existence of 'dispute'.

The meaning of 'dispute' and 'dispute, if any' was noticed by this Appellate Tribunal and the matter has been decided in the case of "*Kirusa Software Pvt. Ltd. v. Mobilox Innovations Pvt. Ltd.*" in its Judgment dated 24.05.2017 in Company Appeal (AT) (Insolvency) 6 of 2017. It is informed that the said judgement is pending consideration before the Hon'ble Supreme Court in Civil Appeal No. 9405/2017 and arguments heard in part. In the aforesaid circumstances, we adjourn the appeal in the present case to enable the Appellate Tribunal go through the Judgment, as may be delivered by the Hon'ble Supreme Court. Post the matter on 16th October, 2017.

(Justice S.J. Mukhopadhaya)
Chairperson

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

(Balvinder Singh)
Member (Technical)