

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

**Company Appeal (AT) (Insolvency) No. 280 of 2017**

**IN THE MATTER OF:**

**SoftwareONE India Pvt. Ltd.**

**... Appellant**

**Versus**

**Emkor Solutions Limited**

**... Respondent**

**Present: Shri Sanjiv Dagar and Shri Jarnail Singh, Advocates for  
the Appellant.**

**O R D E R**

**24.11.2017** It is stated by the learned counsel for the appellant that the Adjudicating Authority (National Company Law Tribunal), New Delhi (hereinafter referred to as 'Adjudicating Authority') while rejecting the application under Section 9 of the Insolvency and Bankruptcy Code, 2016 ('I&B Code' in brief) referred to certain e-mails which were exchanged between the parties earlier but did not refer to the e-mail dated 30<sup>th</sup> December, 2014 (Page 264 of Paper Book), where the 'Corporate Debtor' had clearly admitted dues of Rs. 17.36 Lakhs. It is stated that the application under Section 9 of the I&B Code was filed in view of the outstanding dues of about Rs. 13 Lakhs. From the admitted amount of Rs.17.36 Lakhs, Rs. 4 Lakhs had been paid by the 'Corporate Debtor' in between. Thus, according to the learned counsel, it was an admitted debt and the application should not have been rejected.

Issue Notice to the respondent by Speed Post. Requisites along with process fees, if not filed, be filed by 27<sup>th</sup> November, 2017. If the appellant provides e-mail address of the respondent, let notice be also issued through e-mail.

List the matter on 6<sup>th</sup> December, 2017.

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

[Justice Bansilal Bhat]  
Member (Judicial)

[Balvinder Singh]  
Member (Technical)