NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 296 of 2018

IN THE MATTER OF:

Global Canesugar Services Private Limited

...Appellant

Vs.

KGS Sugar & Infra Corporation Limited

...Respondent

Present: For Appellant: Mr. Abhishek Anand, Advocate.

For Respondent: None.

ORDER

21.06.2018- Heard learned counsel for the Appellant. Perused the impugned order.

The Appellant is relying on minutes dated 13th April, 2015 to say that there was admitted debt. However, learned counsel is unable to show authorised person of Respondent signing the same. The counsel says that holding of such meeting is not disputed in subsequent correspondence.

The Appellant itself filed a Special Civil Suit No. 07 of 2016 and the cause of action relied on the meeting held on 13th April, 2015 and another meeting held on 14th April, 2015.

In reply to the demand notice under Rule 5 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 dated 31st October, 2017, the Respondent vide reply dated 7th November, 2017

Contd/-....

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claimed that these disputes were pending in Civil Court and before notice

itself there was existing dispute. The Adjudicating Authority (National

Company Law Tribunal) has taken note of these factors and rightly come

to the conclusion that there was dispute existing and dismissed the

petition moved under Sections 8 and 9 of the Insolvency and Bankruptcy

Code, 2016.

There is no ground made out for entertaining the appeal. The

appeal is rejected.

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

(Vacation-Sitting)

Ar/nn