

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 666 of 2018

IN THE MATTER OF:

Uberlux Concepts LLP.

...Appellant

Present:

For Appellant : Mr. Mohit Singh, Advocate

ORDER

01.11.2018 Having heard learned counsel for the appellant and being satisfied with the grounds shown in the application, the delay of ten days in preferring the appeal is condoned.

I.A. No. 1752 of 2018 stands disposed of.

This appeal has been preferred by 'Uberlux Concepts LLP' (Corporate Applicant) against order dated 14th June, 2018 passed by the Adjudicating Authority (National Company Law Tribunal) New Delhi whereby an application preferred by the appellant under Section 10 of the I&B Code has been rejected on the aground of non-furnishing the relevant record of the 'default'.

Having heard the learned counsel for the appellant instead of going into the merit give liberty to the appellant to file a fresh application under Section 10 of the I&B Code along with record of 'default' and the 'debt' payable to one or other 'financial creditors' or 'operational creditors'. However, we make it clear that liberty granted to the appellant does not mean that we have held that there is a 'default' and 'debt' is due, which is to be established by the appellant referring to the records of the 'debt' and 'default'.

Further, as we find no reason for imposing cost, the impugned order dated 14th June, 2018 is set aside so far it relates to imposition of cost of Rs.25,000/-

The appeal stands disposed of. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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