

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 462 of 2018

IN THE MATTER OF:

Thothappa Nainar Mohamed Sirajdheen **...Appellant**

Vs

INTEX Technologies (India) Ltd. **....Respondent**

Present:

For Appellant: Mr. K. V. Balakrishnan, Advocates.

For Respondent:

O R D E R

20.08.2018: The Appellant has challenged order dated 22nd June, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), Division Bench, Chennai, whereby and whereunder application under Section 9 of Insolvency and Bankruptcy Code, 2016 (for short 'I&B Code') preferred by the Respondent (Operational Creditor) has been admitted.

2. Learned counsel appearing on behalf of the Appellant submitted that there is an existence of dispute and relied on a letter dated 11th June, 2017 to suggest that a criminal case was lodged against one Mr. Mohammed Sirajudeen, Managing Director of the Corporate Debtor. According to learned counsel for the Appellant, Mr. Mohammed Sirajudeen was appointed as Managing Director of the Corporate Debtor, who purchased certain material which has no concern with the business of the Corporate Debtor and cheques were issued by him which were bounced and criminal case was lodged against Mr. Mohammed Sirajudeen.

3. Though such submissions are made, we are not inclined to decide the question relating to criminal liability which is pending consideration before a court of competent jurisdiction.

4. There is nothing on record to suggest that the Corporate Debtor raised any dispute about the supply or quality of goods prior to issuance of demand notice under Section 8(1) of I&B Code. Such being the case, the Adjudicating Authority has rightly held that there was no pre-existing dispute and admitted the application. We find no merit in this appeal. It is accordingly dismissed. No cost.

[Justice S. J. Mukhopadhaya]
Chairperson

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

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