

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 810 of 2019

IN THE MATTER OF:

Xionn Services Pvt. Ltd.

...Appellant

Versus

M/s. Aman Hospitality Pvt. Ltd.

...Respondent

Present:

For Appellant :

**Mr. Suman Doval and Mr. Ramesh Wangnoo,
Advocates**

ORDER

08.08.2019 The Appellant (Operational Creditor) filed an application under Section 9 of the 'Insolvency and Bankruptcy Code, 2016' (for short, 'the **I&B Code**') for initiation of the 'Corporate Insolvency Resolution Process' against 'M/s. Aman Hospitality Private Limited' (Corporate Debtor). The Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi rejected the claim in view of 'existence of dispute'.

2. Learned counsel appearing on behalf of the Appellant referred to the letter dated 8th May, 2010 placing order and said that the matter should have been admitted for resolution. However, such ground cannot be taken for entertaining the application u/s 9 of the 'I&B Code', in view of the fact that the respondent had raised dispute relating to quality of work by their reply dated 26th December, 2015 and 8th January, 2016 when it was brought to the notice of the Appellant that there was dispute in respect of water proofing work.

3. The aforesaid fact having been noticed by the Adjudicating Authority, we are not inclined to interfere with the impugned order though as regards delay

being satisfied with the grounds, we condone the delay of 15 days in preferring the appeal. I.A. No. 2453 of 2019 stands disposed of.

The appeal is dismissed. No costs.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

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