

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency)No.112 of 2019

IN THE MATTER OF:

M/s Venus Cotsyn (India) Ltd.

.....Appellant

Vs.

M/s G.L. Jain Button Store Pvt. Ltd.

.....Respondent

Present :

For Appellant: Mr. Harsh Garg, Advocate

For Respondents: Mr. Ashish Aggarwal, Mr. Hora, Advocates

O R D E R

30.07.2019 - The Appellant filed application u/s 9 of the Insolvency & Bankruptcy Code, 2016 ('I&B' Code, for short) against 'M/s. G.L. Jain Button Store Pvt. Ltd.' ('Corporate Debtor').

2. The Adjudicating Authority ('National Company Law Tribunal'), Chandigarh Bench by impugned order dated 21st December, 2018 rejected the same on the ground of pre-existing dispute.

3. At the stage of admission, it was submitted by the learned counsel for the Appellant that whatever the dispute raised by the 'Corporate Debtor' with regard to quality of goods was only with regard to a particular period which was resolved amicably and that the 'Corporate Debtor' subsequently, accepted the debt reflected in the ledger account. ...contd.

4. Learned counsel for Respondent ('Corporate Debtor') have appeared. Respondent referred to different communications made through the WhatsApp message as enclosed on pages 275 onwards which suggest that either the dispute of damaged material or waste material was raised by the Respondent and returned to the Appellant. We find that there is pre-existing dispute with regard to invoices which were shown in the part four of form 5.

5. In view of the aforesaid position, we are not inclined to intervene in the impugned order. Prayer is rejected.

6. However, impugned order or the order passed by this Appellate Tribunal will not come in the way of Appellant to move before the appropriate Forum for appropriate relief.

The appeal is dismissed. No costs.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

ss/sk