

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 222 of 2017

IN THE MATTER OF:

Yogendra Yasupal

...Appellant

Vs.

M/s. Jigsaw Solutions & Anr.

...Respondents

Present: For Appellant: - Mr. P.V. Balasubramaniam, Mr. Anish R. Shah and Mr. K.R. Samratt, Advocates.

For Respondents: - Mr. Karthigeyan Srinivasan, Advocate.

ORDER

16.10.2017- 1st Respondent- 'Operational Creditor' filed application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'I&B Code') against 2nd Respondent- 'Corporate Debtor'. The application having been admitted by impugned order dated 15th September, 2017 passed by Adjudicating Authority (National Company Law Tribunal), Chennai Bench, Chennai in Company Petition No. 559/(IB)/CB/2017, and order of moratorium having been passed with further orders in terms of the 'I&B Code', this present appeal has been filed.

2. Learned counsel appearing on behalf of the appellant submitted that there is an 'existence of dispute' and, therefore, the application under Section 9 of the 'I&B Code' was not maintainable. He relied on one or other documents including the order passed by Hon'ble High Court of Judicature at Madras in an Anticipatory Bail Petition preferred by the appellant/director (shareholder) to suggest that there is a 'dispute in existence'.

3. From the enclosure attached to the appeal, we find that the document preferred by 'Operational Creditor' was complete. In so far dispute is concerned, any observations with regard to individual officer if made by a court of law or in a communication made by the 'Operational Creditor', the same cannot be treated to be an 'existence of dispute'. As we find that there is no specific objection made by the 'Corporate Debtor' in writing, raising any dispute with regard to the quality of services as claimed to have been rendered by the Respondents-'Operational Creditors', no dispute can be raised at the stage of submitting reply under sub-section (2) of Section 8 of the 'I&B Code'. In this regard one may rely on decision of Hon'ble Supreme Court's in "**Mobilox Innovations Private Ltd v. Kirusa Software Private Ltd, (2017) SCC OnLine SC 1154**".

4. We find no merit in this appeal. It is accordingly, dismissed. However, in the facts and circumstance of the case, there shall be no order as to cost.

(Justice S.J. Mukhopadhaya)
Chairperson

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

(Balvinder Singh)
Member(Technical)

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