

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 324 of 2018

IN THE MATTER OF:

PCI Asia Pacific Pvt. Ltd.

...Appellant

Versus

M/s. Vacmet India Ltd.

...Respondent

Present:

For Appellant : **Mr. Jayant Mehta, Mr. Rohin Debey and Mr. Upinder Singh, Advocates**

For Respondent : **Mr. Ashim Sood and Mr. Mayank Pandey, Advocates**

O R D E R

06.07.2018 By the impugned order dated 27th April, 2018, the application preferred by the applicant under Section 9 of the Insolvency and Bankruptcy Code, 2016 has been rejected on the ground of 'existence of dispute'.

We have heard the learned counsel for the appellant and Mr. Aashish Sood, learned counsel appearing for the 'Corporate Debtor'. From the perusal of the record, we find that the goods supplied by the appellant were found to be defective and there is deficiency in installations which was discussed in the meeting held on 11th November, 2013, i.e. much prior to the demand notice issued under Section 8(1) of the I&B Code.

Learned counsel appearing on behalf of the appellant submits that the defects and deficiencies were subsequently corrected but there is nothing on record to suggest the same.

For the reasons aforesaid, we hold that the Adjudicating Authority rightly rejected the application under Section 9 of the I&B Code. However, we make it clear that the rejection of the application under Section 9 will not come in the way of appellant to move before the appropriate Court.

The appeal is dismissed with the aforesaid observations. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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