

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 453 – 455 of 2018

IN THE MATTER OF:

ESS DEE Aluminium Ltd.

...Appellant

Versus

Cytech Coatings Pvt. Ltd.

...Respondent

Present:

For Appellant :

**Mr. Krishnendu Dutta, Mr. Vikram Mehta and
Mr. Subhadeep Basah, Advocates**

O R D E R

16.08.2018 The appellant, while challenging the orders dated 5th July, 2018, 18th July, 2018 and 25th July, 2018 submits that the respondent accepted that there was no 'Demand Notice' under Section 8(1) of the Insolvency and Bankruptcy Code, 2016 (for short, 'the I&B Code') and the application under Section 9 of the I&B Code preferred by the respondent was admitted *ex-parte*. However, such submission cannot be accepted as the order of admission of application under Section 9 dated 18th June, 2018 is not under challenge. If we hold that application was wrongly admitted in absence of any 'Demand Notice' under Section 8(1) that will amount to interference with the order of admission dated 18th June, 2018, which is not under challenge.

So far as any other grievances or any other application pending is concerned, the appellant may pursue the matter before the Adjudicating

Authority who may consider and decide the same uninfluenced by the observations made by this Appellate Tribunal. The appeal is dismissed. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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