

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 779 of 2019**

**IN THE MATTER OF:**

**Fairwood Infra & Services Pvt. Ltd.**

**...Appellant**

**Versus**

**M/s. Wave Megacity Centre Pvt. Ltd.**

**...Respondent**

**Present:**

**For Appellant :**

**Mr. Ujjwal Jha and Mr. Bonny Laishram, Advocates**

**ORDER**

**01.08.2019** Having heard learned counsel for the appellant and being satisfied with the grounds, the delay of 3 days in preferring the appeal is condoned.

I.A. No. 2371 of 2019 stands disposed of.

Learned counsel for the Appellant submits that there is no 'pre-existing dispute. Therefore, application u/s 9 of the 'I&B Code' could not have been dismissed on such ground.

Let notice be issued on the respondent by Speed Post. Requisite along with process fee, if not filed, be filed by 2<sup>nd</sup> August, 2019. If the appellant provides the *e-mail* address of respondent, let notice be also issued through *e-mail*.

Post the case 'for Admission (After Notice)' on 3<sup>rd</sup> September, 2019.

Pendency of the appeal will not come in the way of the parties to settle the claim.

[Justice S.J. Mukhopadhaya]  
Chairperson

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

[ Kanthi Narahari ]  
Member (Technical)

/ns/gc