

2. That on 9th November, 2017 when the matter was taken up, the following submission was recorded: -

“Learned Counsel for the Appellant who also accepts that “Isolux Corsand India-C&C ‘JV’, District Kaimur, Bihar is not a company incorporated under the Companies Act, 1956 or 2013.”

3. Having heard the learned Counsel for the parties and in view of the fact that the agreement between the Appellant was not with the Respondent- ‘Isolux Corsan India Engineering Construction Pvt. Ltd.’ but with a joint venture firm namely ‘Isolux Corsan India- C&C “JV”’, we hold that the application under Section 9 of the I&B Code against the Respondent- ‘Isolux Corsan India Engineering Construction Pvt. Ltd.’ is not maintainable.

4. For the reasons stated above, no interference is called for in the impugned order. In absence of any merit the appeal, is dismissed. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/akc/