

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1026 of 2019

IN THE MATTER OF:

Rajat Saini & Anr.

...Appellant

Vs

Pret Study by Janak Fashions Private Limited.

....Respondent

Present:

For Appellant: Mr. C. S. Gaurav Kumar, Advocate.

For Respondent:

O R D E R

14.10.2019: 'M/s Pret Study by Janak Fashions Private Limited' (Operational Creditor) filed application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (for short 'I&B Code') for initiation of Corporate Insolvency Resolution Process against 'M/s Mars Hospitality and Retail Private Limited' (Corporate Debtor). The said application having admitted by the Adjudicating Authority (National Company Law Tribunal), Chandigarh Bench by order dated 3rd September, 2019, the present appeal has been preferred by Mr. Rajat Saini and Mr. Satbir Singh Saini, Directors of the Corporate Debtor.

2. Learned counsel for the Appellant submits that there is a pre-existing dispute. However, from the record we find that no document has been produced or was produced before the Adjudicating Authority to suggest that there is a pre-existing dispute in regard to goods supplied by 'M/s Pret Study by Janak Fashions Private Limited' (Operational Creditor) to 'M/s Mars Hospitality and

Retail Private Limited' (Corporate Debtor). The only ground taken is that the terms of the agreement were violated but no record has been placed by the Appellant to suggest that prior to issuance of notice under Section 8(1) of I&B Code such issue was raised by the Corporate Debtor with the Operational Creditor.

3. In absence of any pre-existing dispute, the Adjudicating Authority having admitted the application under Section 9 and there being debt and default, we find no reason to interfere with impugned order dated 3rd September, 2019. The appeal is dismissed. No cost.

[Justice S. J. Mukhopadhaya]
Chairperson

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

(Kanthi Narahari)
Member (Technical)

am/gc