

ATTENDENCE - CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 07.11.2019

NAME OF THE COMPANY: Sparge Energy Pvt Ltd V/s Benara Bearings and pistons Ltd.

SECTION OF I & B CODE: 9 IBC

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
1.	SHANTAM S. MANDHYAN	Adv.	Operational Creditor	}
2.	PRIYANKA ARORA	Adv.		

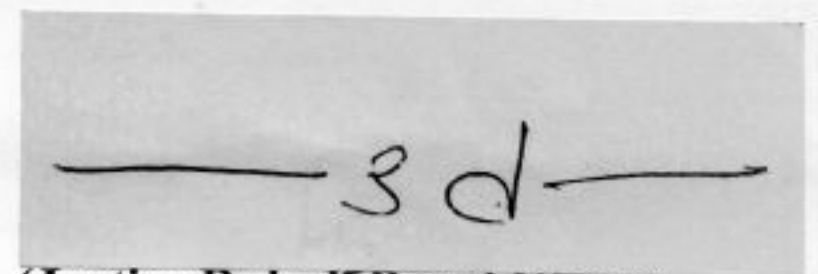
CP NO. (IB) 449/ALD/2019

Ms. Priyanka Arora alongwith Sh. Shantam S. Mandhyan, Advocates for the operational creditor are present. The present petition has been filed under Section 9 of Insolvency & Bankruptcy Code, 2016 by the operational creditor (hereinafter referred to as the petitioner) for defaulted amount of Rs44,75,994.12/- payable by the corporate debtor (hereinafter referred to as the respondent) for supply of E-Rickshaw Batteries to the corporate Debtor. It is contended on behalf of the petitioner the date of default is 29.07.2019.

Learned counsel for the petitioner further submitted that in spite of repeated demand made by the petitioner the dues were not paid by the respondent and therefore notice under Section 8 of the IBC was sent to the respondent by e-mail and speed post, which has been received by him. It is contended that the respondent has replied to the aforesaid demand notice sent by the petitioner under Section 8 of IBC, which is annexed at page 113 of paper book, wherein respondent has disputed the claim, on extremely feeble grounds and the learned counsel appearing for the petitioner on clarification to this point, has drawn the attention of the Court to the e-mail communication made by the respondent to the petitioner dated 2nd September, 2019 whereby they have admitted liability of Rs. 42 Lakh. It is further contended on behalf of the petitioner that the reply to the notice under Section 8 of IBC was prior to aforesaid date of communication.

It is further contended that advance copy of the petition has also been sent to the respondent by speed post at registered address. However, no Tracking Report of the same has been filed. Issue notice by all modes including the process of the Court, Dasti. Put up on 27th November, 2019. by which date the petitioner shall file the Tracking Report as well as the affidavit of service.

Dated: 07.11.2019



(Justice Rajesh Dayal Khare)
MEMBER (J)