

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**COURT-V**

**Item No.-513**  
IB-3195/ND/2019

**IN THE MATTER OF:**

Swastik Pipe Ltd  
V/s  
Clearplus India Pvt Ltd

....Applicant

....Respondent

**SECTION**

U/s 9 IBC

**Order delivered on 25.02.2021**

**CORAM:**

**SHRI ABNI RANJAN KUMAR SINHA**  
**HON'BLE MEMBER (JUDICIAL)**

**SHRI K.K. VOHRA,**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : Mr. Sanjay Jain & Ms. Chetna Bisht, Advocates  
For the Respondent :

**ORDER**

In course of hearing, Ld. Counsel for the respondent appeared and submitted that the principal amount i.e. Rs. 97,740/- has already been paid by the Corporate Debtor to the Operational Creditor whereas the Ld. Counsel for the Operational Creditor submitted that only Rs. 92,000/- has been received by the Operational Creditor.

Without going into the merits of the facts, what amount has been paid/received by the parties, we notice that the defaulted amount shown in Part IV of the application is Rs. 97,740/- and the interest thereon is Rs. 40,911/-. Even if we accept the contention of the Operational Creditor that he has only received Rs. 92,000, the total outstanding due would be only about Rs. 46,651 which is below the threshold level prescribed as per IBC. Therefore, the petitioner is well advised to convince us on the point that, when the principal amount has been received then how the present application is maintainable at this stage.

In the meantime, the respondent is directed to file the document i.e. bank statement to show that what amount has been paid into the bank account of the Operational Creditor. Ld.

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Counsel for the respondent also submitted that he has already filed the affidavit yesterday but the same is not on the record. So, he is directed to share the diary number of the filing with the Court Officer. List the matter on **18.03.2021**.

—Sd—

**(K.K. VOHRA)**  
**MEMBER (T)**

—Sd—

**(ABNI RANJAN KUMAR SINHA)**  
**MEMBER (J)**