

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH-V**

(IB)-2036(ND)2019

**In the matter of**

**M/S MICRA CLOUDS SERVICES PRIVATE LIMITED  
G-1, PLOT NO. 8, SECTOR-1,  
VAISHALI, GHAZIABAD-201010**

.....Operational Creditor

**V/S**

**M/S MASTERS INDIA PRIVATE LIMITED  
S 201, SECOND FLOOR, CHETAN COMPLEX,  
SHRESTHA VIHAR, EAST DELHI -110092**

.....Corporate Debtor

**SECTION: 9 of IBC, 2016**

**Order delivered on: 15.07.2020**

**CORAM:**

**MR. ABNI RANJAN KUMAR SINHA, MEMBER (JUDICIAL)**

**MR. K.K. VOHRA, MEMBER (TECHNICAL)**

**PRESENT- Mr. Abhay Mani Tripathi for the Petitioner**

**ORDER**

**Per Mr. Abni Ranjan Kumar Sinha (Member Judicial)**

1. The present application is filed on behalf of the Petitioner/ Operational Creditor under Section 9 of the IBC, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016, praying therein to initiate CIRP against the Respondent/Corporate Debtor.
2. The facts of the case, in short is that the Corporate Debtor engaged the services of the Operational Creditor for 24X7 support



service maintenance of its software in month of July 2017 at a fixed rate of Rs. 3 lacs per month. The Operational Creditor did all required configuration to make the software and services communicated with GSTN and also managed day to day operation and support of Corporate Debtor. The Operational Creditor submitted its monthly invoices to the Corporate Debtor through e-mail as well as in physical form but the Corporate Debtor did not make payment of the same. And since the Corporate Debtor failed to make payment of the invoice amount of three successive months from August 2017 to October 2017, the Operational Creditor discontinued the services. It is submitted that despite repeated reminders and emails dated 16.10.2017, 03.11.2019, 07.11.2017 and 09.11.2017 the Corporate Debtor has not made the payment of the outstanding amount of the invoices.

3. It was submitted that since the Corporate Debtor failed to make the payment of the outstanding from October 2017 onwards despite repeated efforts, the Operational Creditor served a demand notice in accordance with Section 8 of the Code, with the amount claimed to be in default i.e. Rs. 9,00,000/-, at its registered office which is admittedly delivered to Corporate Debtor on 27.05.2019. The Corporate Debtor had served reply dated 06.06.2019 to the demand notice dated 22.05.2019 wherein it was stated that no payment is due and further denied all the claims.
4. We have heard the Learned Counsel appearing for the Petitioner and perused the averment made in the application.



5. Accordingly, after consideration of the facts, we hereby issue notice to the respondents. Notice to the Corporate Debtors/Respondents by all modes including process of the bench. Affidavit of service to be filed by the next date of hearing. Returnable on <sup>17<sup>th</sup></sup> 07.2020.

Sd/-

**K. K. VOHRA**  
Member (T)

Sd/-

**Abni Ranjan Kumar Sinha**  
Member (J)