

Delivery notes were accepted by the Corporate Debtor/GOL and have been annexed to the Petition. The statement of the ledger account maintained by the Operational Creditor, reflects a sum of Rs. 26,18,423/- as due and payable by the Corporate Debtor. This amount is the balance after giving adjustment of Rs. 5,00,078.58 paid by the Corporate Debtor vide cheque dated 28.12.2016 towards reduction of its outstanding liability.

3. It is submitted that though the Corporate Debtor had admitted its liability and promised to pay as soon as their finances would permit, no steps have been taken by them in this respect. The e-mails received have also been annexed as Exhibits to this Petition. The Operational Creditor also issued a notice dated 8.05.2017 to the Corporate Debtor demanding the outstanding amount and putting them into notice that they would be invoking the provision under this Code. No reply to their notice is stated to have been received by them. Upon filing of the present Petition, due notice was effected on the Corporate Debtor, but again none appeared on their behalf.

4. Ld. Counsel for the Petitioner has satisfied this Bench that notice as required u/s 8 was sent and duly delivered to the respondent annexing all invoices. Compliance of section 9(3) (b) & (c) has also been made. In the affidavit on record it has been deposed that the Corporate Debtor has never disputed and / or demurred in respect of the supplies made or the invoices raised. The certificate of the bank is also on record stating that after receipt of Rs. 5,00,078.58 on 29.12.2016, no other payment has been received from the Corporate Debtor in the account of the Operational Creditor maintained with them. The entries made in the Ledger account corroborate the claim made by the

petitioner. The payments received by the Operational Creditor were invoice wise, the earliest invoice being dated. 17.07.2014. Since the petition was filed on 09/06/2017, the claim of the Operational Creditor is within limitation.

5. Given the facts of the case the Petition fulfils all requirements for invoking the Resolution Process against the Corporate Debtor. Accordingly, this petition stands Admitted.

6. The Petitioner has not named any Interim Resolution Professional. Accordingly, the Registry is directed to forward a copy of this order to the IBBI for recommending the names of IRPs. A moratorium as per section 14 of the Code comes into operation forthwith. The IRP so appointed shall take steps for due publication and comply with the requirements of the provisions of section 15, 17 and 18 of the Code. Upon appointment, he shall submit his report within 30 days.

7. This Petition has been disposed of as having being Admitted. Copy of the order be communicated by both the parties.

Sd/-
Ina Malhotra
Member (Judicial)