

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 704 of 2024**

**IN THE MATTER OF:**

**Dr. Indu Singh**  
**Suspended Director of G.V. Meditech Pvt. Ltd.** **...Appellant**

**Versus**

**Prime Tower – A Partnership Firm & Anr.** **...Respondents**

**Present:**

**For Appellant : Mr. Krishnendu Datta, Sr. Advocate with Ms. Sanjana Saddy and Mr. Lavam Tyagi, Advocates.**

**For Respondents :**

**ORDER**  
**(Hybrid Mode)**

**10.04.2024:** Learned Counsel for the Appellant submits that the Adjudicating Authority by impugned order has admitted the Section 9 application whereas the Operational Creditor has already filed a suit/proceeding before the Rent Authority claiming the rent and damages which was dismissed on 12.01.2023.

**2.** The Section 9 application was filed after the dismissal of the rent proceeding and even the Demand Notice was issued subsequent to the said date. However, the Operational Creditor did not refer to the said proceeding in its Section 9 application nor brought the copy of the order on the record. There being Pre-Existing Dispute, Section 9 application ought not have been admitted.

**3.** However, Learned Counsel for the Appellant submitted that the Appellant is ready to deposit the rent up to the lease period i.e., upto 01.08.2022 as per the Appellant's calculation which is Rs.1,16,57,719/-.

**4.** Let the amount be deposited within two weeks from today before the Registrar, NCLAT in interest bearing account. This shall be without prejudice to the rights and contentions of both the parties.

**5.** Issue Notice.

**6.** Let Reply be filed within three weeks. Rejoinder be filed within further two weeks.

List this Appeal on **17<sup>th</sup> May, 2024.**

In the meantime, impugned order dated 03.04.2024 shall remain suspended.

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Arun Baroka]**  
**Member (Technical)**

*himanshu/nn*