

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

**Company Appeal (AT) (Insolvency) No. 649 of 2024**

**IN THE MATTER OF:**

**Leo Creations Pvt. Ltd.**

**...Appellant**

**Versus**

**ASR Logistics India Pvt. Ltd.**

**...Respondent**

**Present:**

**For Appellant: Mr. Akhil Krishan Maggu, Mr. Vikas Sareen, Ms. Maninder Kaur, Advocates.**

**For Respondent: Mr. Mohit Chaudhary, Mr. Prakhar Mithal, Advocates.  
Mr. Rishi Singhal, Advocate with Mr. Anurag Goel, IRP in person for IRP**

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

**08.04.2024:** Learned counsel for the Appellant submits that the Appellant has paid the entire amount and after receiving the Section 8 notice, they have also sent a reply by Speed Post which was denied by the Operational Creditor. It is submitted that after one year thereafter, Section 9 application was filed. It is submitted that the issue of limitation was also raised by the Appellant and there is no amount due.

2. Learned counsel for the Respondent refuting the submissions of learned counsel for the Operational Creditor submits that there were certain part payments made due to which the application is not barred by time and even after amount which was received is deducted still the amount due is more than the threshold.

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3. Learned counsel for the IRP is present. He submits that the IRP has not been made party to the appeal.
4. Let the Appellant implead the IRP as one of the Respondent. Amended Memo of parties be filed within three days.
5. The Operational Creditor shall make payment to the IRP as directed by the Adjudicating Authority in the impugned order within two weeks.
6. Let Reply be filed by the Respondents within two weeks. Rejoinder be filed by the Appellant within two weeks thereafter.
7. List this Appeal on **09.05.2024**.
8. In the meantime, no further steps be taken in pursuance of the impugned order dated 08.03.2024.

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

**[Barun Mitra]**  
**Member (Technical)**

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

*Archana/nn*