

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

**Company Appeal (AT) (Insolvency) No. 635 of 2024
& I.A. No. 2100 of 2024**

In the matter of:

G.T. Iron Store

....Appellant

Vs.

Amba Shakti Ispat Ltd.

...Respondent

For Appellant

Mr. Ravi Vashisht, Mr. Piyush Maurya, Advocates.

For Respondent

Mr. Aditya Madaan, Mr. Aishwarya Adlakha, Ms. Natasha, Mr. GP Madaan, Advocates.

ORDER

(Hybrid Mode)

10.07.2024: Heard Counsel for the Appellant.

2. This Appeal has been filed against the order passed by the Adjudicating Authority dated 22.12.2023 by which order Section 9 application filed by the Appellant has been rejected.

3. We have directed the appellant to bring on record the notice of dispute dated 28.02.2022 issued by the corporate debtor by our order dated 16.04.2024. The Appellant by means of an additional affidavit has brought the said notice on the record which is at page 3 of the additional affidavit. The notice of dispute given by the corporate debtor captures in detail the claim of the corporate debtor that no debt is due nor an amount is due. Paragraphs 1 to 11 of notice of dispute details the happening and events which took place and on basis of which it claims that no amount is due.

4. Counsel for the Appellant submits that there is no pre-existing dispute and by notice of dispute cannot be treated to be pre-existence dispute.

5. We have considered the submission of the counsel for the appellant and perused the record.

6. We have perused the notice of dispute given by the corporate debtor dated 28.02.2022. We are of the view that the notice of dispute raises substantial issue regarding denying the claim of the appellant and pre-existing dispute is a writ large on the notice of dispute and submission of the appellant cannot be accepted that there is no pre-existing dispute. The demand notice was issued by the appellant on 15.02.2022 and the sequence of the events captured in the notice of dispute were much prior to that. We, thus, are of the view that the Adjudicating Authority did not commit any error in rejecting Section 9 application. However, it shall be open for the appellant to take such remedy as available before the Competent Court for recovery of its dues, if any.

7. With these observations, we dismiss the appeal.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Anjali/nn