

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

Company Appeal (AT) (Insolvency) No. 138 of 2023

IN THE MATTER OF:

Gopal Sangeshwar Gonal

...Appellant

Versus

**Kanishka Salvage and Underwater Services Pvt. Ltd.
& Ors.**

...Respondents

Present:

For Appellant: Mr. Anuj Tiwari, Mr. Saurah Kr. Mishra, Mr. Arun Pal, Mr. Tuhina Misra, Advocates

For Respondent: Advocate Aman Singhania and Advocate Rajendra Beniwal

ORDER

08.02.2023: Learned Counsel for the Appellant submits that the Demand Notice under Section 8 of I&B Code, 2016 was issued on 25th September, 2019 and before that there has been several correspondences between the Corporate Debtor and Operational Creditor where Corporate Debtor has denied the claim of the Operational Creditor. Learned Counsel for the Appellant has referred to Reply dated 21st May, 2019 which was in response to the Legal Notice dated 30th April, 2019 issued by the Operational Creditor. Learned Counsel for the Appellant further submits that demand notice was duly replied by the Corporate Debtor where details of all disputes between the parties have been highlighted, however, the Adjudicating Authority ignoring the pre-existing dispute has admitted Section 9 Application.

2. Submissions need scrutiny.
3. Issue notice to the Respondents through Speed Post as well as Email. Requisites along with process fee, if not filed, be filed within two days. Learned Counsel appearing for the Resolution Professional accepts notice.
4. Respondents to file Reply-Affidavits within three weeks. Rejoinder, if any, may be filed within two weeks, thereafter.

List this Appeal on **06th April, 2023**. In the meantime, Order dated 20th January, 2023 shall remain stayed.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Basant/nn