

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH (COURT – II)

Item No. 201
IB-361/ND/2023

IN THE MATTER OF:
Alisped India Pvt. Ltd.

... **Applicant/Petitioner**

Versus

Bhagwati Products Ltd.

... **Respondent**

Under Section: 9 of IBC, 2016

Order delivered on 05.09.2023

CORAM:

SH. ASHOK KUMAR BHARDWAJ,
HON'BLE MEMBER (J)

SH. L. N. GUPTA,
HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Mohd. Shahan Ulla, Adv. Shaida Das

For the Respondent :

ORDER

In view of the pendency of an application filed under Section 11 of Arbitration and Conciliation 1996 before the Hon'ble High Court, prima facie, there is a pre-existing dispute and the present application is not maintainable. Nevertheless, Ld. Counsel for the Applicant wants to produce a judgment to show that despite the pendency of arbitral proceedings before the Hon'ble High Court instituted before the service of demand notice upon the corporate debtor, the present petition for resolving the insolvency of CD would be maintainable. At his request, the hearing is deferred to 06.09.2023.

Sd/-
(L. N. GUPTA)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)