

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

Item No. 201
(IB)-718/ND/2023

IN THE MATTER OF:

Wikreate Worldwide Pvt. Ltd.

... **Applicant/Petitioner**

Versus

PK Healthcare Pvt. Ltd.

... **Respondent**

Under Section: 9 of IBC, 2016

Order delivered on 05.02.2024

CORAM:

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

SH. ATUL CHATURVEDI
HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Adv. Jitender Kalra

For the Respondent : Adv. Sarthak Dubey

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

We heard the Ld. Counsels for the parties at some length. Ld. Counsel appearing for the CD could submit that when the date of invoice is 22.08.2023 and in terms of the contract between the parties, the CD had 30 days' time to make the payment from said date. His next argument there is no default that on 23.11.2023, the CD had invoked the arbitration clause and on 29.11.2023, a petition under Section 11 of the Arbitration and Conciliation Act, 1996 had been preferred before the Hon'ble High Court, thus the present petition is not maintainable. Let the Ld. Counsel for the CD ensure that his reply is uploaded on the DMS/e-portal of this Tribunal today only. Ld. Counsel for the Petitioner is directed to prepare a chart indicating therein the dates of various invoices and the dates of default. The chart shall specifically indicate the last date of invoice when the total amount of Rs. 1 crore was defaulted to be paid by the CD.

List the matter for hearing on 06.02.2024.

Sd/-
(ATUL CHATURVEDI)
MEMBER (T)

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