

**NATIONAL COMPANY LAW TRIBUNAL  
JAIPUR BENCH**  
*(through web-based video conferencing platform)*

Item No. 201  
CP No. 08/RHC/2014  
TA No. 05/2020  
Under Section 433, 434, 439 of  
Companies Act, 2013

**In the matter of:**

**VKR Projects Pvt. Ltd.**

**...Petitioner/Applicant**

**Versus**

**Varaha Infra Ltd.**

**...Respondent**

**Coram: HON'BLE MR. DEEP CHANDRA JOSHI, JUDICIAL MEMBER  
HON'BLE MR. PRASANTA KUMAR MOHANTY, TECHNICAL MEMBER**

**Present Through Video Conferencing: -**

For the Applicant	: Anurag Kalavatiya, Adv. Akshita Koolwal, PCS
For the Respondent	: Umang Gupta, Adv.

**ORDER**

Heard Mr. Anurag Kalavatiya, Adv. appearing on behalf of the Petitioner. Mr. Umang Gupta, Adv. for the Respondent. This Company Petition was transferred by the Hon'ble High Court of Rajasthan vide Order dated 10.09.2020 in view of the judgement passed by the Hon'ble Supreme Court in the case of *Forech India Limited vs. Edelweiss Assets Reconstruction Co. Ltd. in Civil Appeal No. 818/2018*. Looking into transactions between the parties, Debt payable by the Corporate Debtor seems to be an Operational Debt for which an application under Section 9 in Form 5 under Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 has to be filed by the Petitioner with advance copy to the opposite counsel along with all relevant

documents supported by him. As per the proviso of Rule 5 (1), the Applicant is required to submit all the information including the information relating to admission notice under Section 8(1). The Petitioner is directed to issue a demand notice under Section 8 (1) of the IBC, 2016 to the Respondent/ Corporate Debtor as provided under the Code. Petitioner will complete this process within 45 days.

List the matter on 16.11.2022.

Sd-

(Prasanta Kumar Mohanty)  
Technical Member

Sd-

(Deep Chandra Joshi)  
Judicial Member

September 26, 2022