

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
COURT - 2

ITEM No207
CP(IB)/80(AHM)2022

Proceedings under Section 9 IBC

IN THE MATTER OF:

Mahendra Kumar Verma Proprietor of Mahendra
Construction Company
(Operational Creditor
V/s
JMC Projects (India) Ltd

.....**Applicant**

.....**Respondent**

Order delivered on ..20/01/2023

Coram:

Dr.Deepti Mukesh, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Surya Prakash, Adv.
For the Respondent : Mr. Jay Kansara, Adv. a/w. Ms. Aaksha Sanjani, Adv.
i/b. Wadia Ghandhi & Co.

ORDER

Learned Counsel for the corporate debtor explain that in the system of payment followed by the corporate debtor, the hand written invoices are first verified through inspection by site engineers and only thereafter formal invoice is raised by the sub-contractor. In the case of subject invoices the hand written draft invoices were raised but verification by site engineer was not done as the sub-contractor, the operational creditor here, did not participate in the site inspection. Learned Counsel for the operational creditor states that they were present at the site. However, it seems that joint inspections, for some reason or the other, did not take place, and therefore formal invoice for the work done has not been raised. Learned Counsel for the corporate debtor undertakes to take instructions that joint final inspection will be carried out and final amount, if any, as per the site inspection, is payable or not. As

requested by him, ten days is allowed to hold a meeting and resolve the issue. Learned Counsel for the corporate debtor also had placed on record the order for amalgamation of corporate debtor with Kalpataru Power Transmission Limited issued by NCLT, Court 1, Ahmedabad. Learned Counsel for operational creditor undertakes to file necessary amendments for change in cause title.

List on 20.02.2023.

-sd-

**AJAI DAS MEHROTRA
MEMBER (TECHNICAL)**

-sd-

**DR. DEEPTI MUKESH
MEMBER (JUDICIAL)**