

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

Company Appeal (AT) (Insolvency) No. 448 of 2022

IN THE MATTER OF:

Anil Kaushal

...Appellant

Versus

**Colliers International (India) Property Services Pvt. Ltd.
(Formerly: Synergy Property Development Services Pvt. Ltd.) & Ors.**

...Respondents

Present:

For Appellant: Mr. Shivam Sharma, Mr. Ramya Aggarwal, Mr. Sahil Sethi and Samriddh Bindal, Advocates

For Respondent: Mr. Dhruv Rohatgi, Advocate for R-1
Mr. Yogesh Gupta, IRP, R-3

**ORDER
(Virtual Mode)**

02.05.2022: Learned Counsel for the Appellant submits that Application under Section 9 of the I&B Code, 2016 filed by the Operational Creditor was both barred by Section 10A of the Code as well as barred due to non-compliance of threshold of Rs. 1 Crore. He further submits that initially by Email dated 04th March, 2020 an Amount of Rs. 88,90,740/- was claimed and thereafter two Invoices 01st April, 2020 and 04th April, 2020 an amount of Rs. 7,02,100/- and 4,36,600/- was claimed and by clubbing these two invoices, the threshold is sought to be crossed. It is submitted that the amount claimed being of March, 2020, it was clearly hit by Section 10 A of the Code and those two invoices could not be added hence it falls short of the threshold. Submissions needs scrutiny.

2. Respondents to file Reply-Affidavits within four weeks. Rejoinder, if any, may be filed within two weeks, thereafter.

3. List this Appeal on **06th July, 2022**. In the meantime, the Order dated 22nd March, 2022 impugned in this Appeal shall remain stayed.

[Justice Ashok Bhushan]
Chairperson

[Ms. Shreesha Merla]
Member (Technical)

Basant/nn