

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

Company Appeal (AT) (Insolvency) No. 426 of 2023

&

I.A. No. 1396, 1412 of 2023

IN THE MATTER OF:

Baba Baidnath Spinners Pvt. Ltd.

...Appellant

Versus

Textile Solutions

...Respondent

Present:

For Appellant: Advocate Manu Aggarwal, Advocate Shubham Budhiraja.

For Respondent: Advocate Tishampati Sen, Advocate Anurag Anand.

O R D E R

19.04.2023: I.A.No. 1412 of 2023 has been filed praying for condonation of delay in filing the Appeal.

2. The Order impugned was passed on 07th December, 2022 and the Appeal has been e-filed on 21st January, 2023. The ground taken in the Application is that the Legal Team at Ahmedabad contacted the present counsel on 15th December, 2022 and sometime was taken in studying the matter thereafter due to intervening winter vacation delay was caused in preparing the Appeal.

3. Cause shown sufficient, delay in filing the Appeal is condoned.

4. Heard Learned Counsel for the Appellant. This Appeal has been filed against the Order dated 07.12.2022 by which I.A. No. 827 of 2022 filed by the Corporate Debtor for discovery and inspection of documents has been rejected.

Section 9 Application was filed by the Operational Creditor where he has relied on some documents dated 11.02.2020 and 16.03.2021. Application was filed for inspection and discovery asking for certain documents to be produced which was objected. The Adjudicating Authority has observed that if any documents are not filed the consequences will be faced by the Corporate Debtor, with these observations the Application was not entertained.

5. Learned counsel for the Appellant contends that there was no arbitration proceeding in accordance with law and the documents could not be relied.

6. We are of the view that what is worth of the document has to be considered at the time of considering Section 9 Application and it is for the Operational Creditor to file relevant documents in support of his case and the Adjudicating Authority did not commit any error in rejecting the Application filed by the Appellant for discovery and inspection. Section 9 Application are application which has to be decided in timely manner and exercise of discretion by the Adjudicating Authority can not be faulted. We make it clear that we are not expressing any opinion on the merits of the claim of the parties or any other aspect of the matter. The Appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Mr. Barun Mitra]
Member (Technical)

Basant/nn