

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins.) No. 163 of 2023

IN THE MATTER OF:

Aaishwary Construction

....Appellant

Vs.

Suntech Petro Pvt. Ltd. & Ors.

....Respondents

Present:

**For Appellant: Mr. Apoorva Chauhan, Dr. Sumant Bharadwaj,
 Mr. D.M. Sharma, Advocates**

For Respondents:

ORDER

11.07.2023: Heard Learned Counsel for the Appellant. Learned Counsel for the Appellant submits that Respondent No. 1 & 3 be deleted from the array of the parties and the appeal be confined to Respondent No. 2.

2. The appellant filed an application under Section 9 against three respondents in which M/s Ace Pipeline Contracts Pvt. Ltd. was Respondent No.2. During the course of hearing, Appellant who is an Operational Creditor submitted that he is pressing the CIRP only against Respondent No. 2 i.e. M/s Ace Pipeline Contracts Pvt. Ltd. which has been recorded in paragraph 4 of the order.

3. Adjudicating Authority took the view that Respondent No. 2 being situated in outside the territorial jurisdiction of National Company Law Tribunal, New Delhi, the application cannot be considered.

4. Adjudicating Authority without expressing any opinion on the merits of the case rejected the petition on the ground of maintainability.

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5. We have heard Learned Counsel for the Appellant and perused the record.

6. The Respondent No. 2 is situate out of the territorial jurisdiction of National Company Law Tribunal, New Delhi, hence, the Adjudicating Authority has rightly rejected the application as not maintainable.

7. We, thus, do not find any error in the order passed by the Adjudicating Authority dismissing Section 9 application, however, it shall be open for the appellant to file an appropriate application in the National Company Law Tribunal having territorial jurisdiction.

8. With these observations, appeal is dismissed.

**[Justice Ashok Bhushan]
Chairperson**

**[Mr. Barun Mitra]
Member (Technical)**

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