

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1474 of 2025
& I.A. No. 5723 of 2025

IN THE MATTER OF:

Arihant Traders

...Appellant

Versus

Giesecke & Devrient India Pvt. Ltd.

...Respondent

Present:

For Appellant : Mr. Akash Kakade, Mr. Prashant Phad, Mr. Joharapurkar, Advocates.

For Respondent : Mr. Nishant Kumar, Mr. Rahul Kumar, Advocates.

O R D E R
(Hybrid Mode)

06.01.2026: **I.A. No. 5723 of 2025:** This is an application praying for condonation of 58 days' delay in refiling the appeal. Learned counsel for the Appellant submits that after filing of the Appeal defects were marked and Appellant took some time in curing the defects. It is submitted that certain affidavit was required from the Appellant in which some time was taken. Learned counsel for the Respondent opposed the application and submitted that application shows casual and neglecting approach of the Appellant. We find that sufficient cause has been shown to condone 58 days' delay in refiling the appeal. Delay condoned. I.A. No.5723 of 2025 is disposed of.

2. Heard learned counsel for the Appellant and learned counsel for the Respondent. This appeal has been filed against the order dated 20.05.2025 by which order the Adjudicating Authority has rejected Section 9 application filed by the Appellant. Appellant's case is that it has issued various invoices

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and issued a demand notice dated 13.08.2019 with regard to work done. It is submitted that after giving the demand notice, Section 9 application was filed being CP(IB) No.3392 of 2019 in which reply was filed. The Adjudicating Authority heard the Appellant by the impugned order dismissed the application on the ground that demand notice which issued by the Appellant has not been served on the Corporate Debtor. The Adjudicating Authority has noticed that the demand notice which was sent was returned with the endorsement 'addressee has left'. The Adjudicating Authority came to the conclusion that when articles sent were returned with remark 'addressee has left' and no subsequent service was effected, Section 9 application cannot be admitted. The said observation has been made by the Adjudicating Authority in Paras 13 and 14 of the judgment.

3. We do not find any error in the order of the Adjudicating Authority rejecting Section 9 application on the ground that demand notice has never been served. Learned counsel for the Appellant sought to contend that the said notice was also sent by email, which submission is denied by learned counsel for the Respondent. However, as the above issue was never raised before the Adjudicating Authority, the said submission needs no consideration in this appeal. We, thus, are of the view that the Adjudicating Authority did not commit any error in rejecting the Section 9 application on the ground that demand notice has not been served to the Corporate Debtor. However, it shall not preclude the Appellant to file fresh petition after serving demand notice, in accordance with law.

4. We make it clear that we have not expressed any opinion on the maintainability of the such fresh application and if any such fresh application is filed, the same shall be decided in accordance with law.

The appeal is *dismissed* with the above observations.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Archana/md