

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

**Comp. App. (AT) (Ins.) No. 1306 of 2022**

**In the matter of:**

**Sunil Inderlal Sharma**

**....Appellant**

**Vs.**

**Arora Iron & Steel Rolling Mills Pvt. Ltd. & Anr.**

**...Respondents**

**For Appellant:**

**Mr. Arvind Kumar Gupta and Ms. Henna George,  
Ms. Shivani Sharma, Advocates.**

**For Respondents:**

**ORDER**

**15.12.2022:** This appeal has been filed by the Suspended Director of the Corporate Debtor challenging the order dated 28.10.2022 by which order Section 9 application has been admitted. Section 9 application was filed for principal amount of Rs. 5,59,673/- alongwith the interest.

2. When this appeal was taken, Learned Counsel for the Appellant submits that the payment has already been made prior to the demand which fact has not been brought on the notice of the Adjudicating Authority. On 02.11.2022 we pass the following order:-

*"Learned Counsel for the Appellant submits that the Adjudicating Authority admitted Section 9 Application filed by the Operational Creditor for an amount of Rs. 5,59,673/-. It is submitted that the Appellant has taken over the Corporate Debtor and when he came to know that there are debts, the same was paid on 19.01.2021 which fact has not been brought on the notice of the Adjudicating Authority by the Operational Creditor.*

*Learned Counsel for the Appellant has referred to Bank Statement which evidences the payment. Submissions need scrutiny.*

*2. Let 'Notice' be issued to the Respondents through 'Speed Post'. Let the requisites together with process fee be filed within three days from today. The Appellant is required to provide the e-mail address of the Respondents and in that mode also, the service can be effected. The Appellant is also required to furnish the Mobile No. of the Respondents to the 'Office of the Registry'.*

*3. Let Reply be filed within three weeks. Rejoinder, if any, may be filed within two weeks thereafter.*

*4. List this Appeal on 15.12.2022.*

*In the meantime, the impugned order dated 28.10.2022 passed by the Adjudicating Authority shall remain stayed".*

3. Notices have already been issued to the Respondent but no-one has appeared for Respondent.

4. Noticing the submissions of the Appellant that payment has already been made, we have also looked into the Bank Statement at page-53 which indicate the Bank payment to the Operational Creditor on 19.01.2021.

We, thus, are of the view that no purpose shall be served in permitting the CIRP to continue.

***The appeal is allowed.*** The order dated 28.10.2022 is set aside.

**[Justice Ashok Bhushan]  
Chairperson**

**[Kanthi Narahari]  
Member (Technical)**

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

ss/nn