

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 610 of 2025

IN THE MATTER OF:

Nimish Sanghavi
Suspended Director of
Clothwari Printing Pvt. Ltd.

...Appellant

Versus

Insight Print Communications Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant : **Mr. Satish Chandra Mishra, Sr. Advocate with Mr. Shashank Pathak, Mr. Karan Grover and Mr. Kapil Mishra, Advocates.**

For Respondents : **Mr. Dhrubajit Saikia, Advocate for R-1.**

O R D E R
(Hybrid Mode)

21.04.2025: This appeal has been filed against an order dated 04.04.2025 admitting Section 9 application filed by the respondent herein who has supplied the printing machines to the corporate debtor.

2. Learned sr. counsel Mr. Satish Chandra Mishra appearing for the appellant contends that the MoU was circulated to the respondent which contained a condition of 12.5% payment advance which payment was never made. It is submitted that the machine which was installed was under performance and no satisfactory certificate was issue at any time by the corporate debtor. It is submitted that demand notice was issued on 08.12.2022 to which a reply dated 10.02.2023 was issued which reply is notice of dispute and in view of the notice of dispute sent by the corporate debtor, application ought not to have been admitted.

3. Learned counsel appearing for the respondent submits that no MoU was ever entered between the parties and further no emails were sent by the corporate debtor raising any kind of dispute till the issuance of demand notice, hence the amounts were due and adjudicating authority rightly admitted Section 9 application.
4. Submission raised by counsel for the parties needs consideration.
5. Issue notice.
6. Let reply be filed within three weeks. Rejoinder be filed within two weeks thereafter.

List this appeal on **26th May, 2025.**

In the meantime, IRP in pursuance of the impugned order may collate the claims, however, he shall not take any further steps in the CIRP till the next date.

[Justice Ashok Bhushan]
Chairperson

[Arun Baroka]
Member (Technical)

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