

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT)(Insolvency) No. 187 of 2018

IN THE MATTER OF:

Rajendra Kumar Saxena

...Appellant

Vs

Earth Gracia Buildcon Private Limited

....Respondent

Present:

For Appellant: Mr. Rakesh Kumar Singh, Advocate.

O R D E R

07.05.2018 Learned Counsel for the Appellant referred to the terms and conditions of 'Booking Application Form' signed by the Appellant which has been accepted by Respondent- 'Corporate Debtor'. In terms of which para-51 of Form, if apartment is not completed within time period, 'Corporate Debtor' is required to refund the amount with interest within time scheduled. It is submitted that the terms and conditions of Booking Form shows that the Appellant comes within the meaning of 'Financial Creditor' of the 'Corporate Debtor' under Section 5(7) read with Section 5(8) of the Insolvency & Bankruptcy Code, 2016.

Let notice be issued on Respondent by Speed Post. Requisites along with process fee, if not filed, be filed by 09.05.2018. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

Post the matter on **28th May, 2018**.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

Akc/unk