

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

Company Appeal (AT) (Insolvency) No. 84 of 2023

IN THE MATTER OF:

**Lalitikumar Vasoya & Anr.
(Member of the Suspended Board of Directors)
Shree Ram Proteins Ltd. ...Appellants**

Versus

Mohini Health & Hygiene Ltd. & Anr. ...Respondents

Present:

For Appellants: Mr. Krishnendu Datta, Sr. Advocate with Mr. Sandeep Bajaj, Mr. Vipul Jai, Mr. Palash and Mr. Mayank Biya, Advocates.

For Respondents:

ORDER

25.01.2023: Learned counsel for the Appellants submits that the Adjudicating Authority has admitted the Section 9 application filed by the Operational Creditor claiming an amount of Rs.1,21,82,419/- with 18% interest of Rs.3,61,12,752/-. It is submitted that the Adjudicating Authority has relied on the balance confirmation dated 12.04.2017 which was neither filed alongwith the Section 8 notice nor filed alongwith the Section 9 application. When the application under Section 9 was dismissed for non-prosecution and thereafter revived, the same was filed even without the leave of the Court and opportunity to contest the balance confirmation was not given to the Appellant. It is submitted that in the reply to Section 9 application, the Appellant has disputed the very receipt of the goods and there are very serious issues raised in the reply to the Section 9 application, which were not considered by the Adjudicating Authority. Learned counsel for the Appellant

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submits that without prejudice to his rights and contentions Appellant is ready to deposit the Principal Amount in the Court. Submission needs scrutiny.

Let the Appellant deposit amount of Rs.1,21,82,419/- within two weeks in name of 'The Pay and Accounts Officer, Ministry of Corporate Affairs, New Delhi'

Issue notice. Requisites alongwith process fee be filed within three days. Respondents may file Reply within two weeks. Rejoinder be filed within two weeks thereafter.

List this Appeal on **21.03.2023**.

In the meantime, we stay order dated 11.01.2023 impugned in the Appeal.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Archana/nn