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➤ NCLAT directs NCLT to hear afresh insolvency plea by APL Apollo Tubes

New Delhi: The National Company Law Appellate Tribunal (NCLAT) has directed the NCLT to hear afresh the insolvency plea filed by APL Apollo Tubes against one of its purchasers of goods. A two-member bench came down heavily on the Bengaluru bench of the National Company Law Tribunal (NCLT) for rejecting claims of APL Apollo Tubes on the "hypothetical interpretation".

The NCLAT said the tribunal "should refrain from stepping into the shoes of a litigating party by substituting their own finding in the absence of there being any pleading evidence".

The appellate tribunal has directed the NCLT to make all efforts to decide proceedings as expeditiously as possible. The NCLAT order came over a petition filed by APL Apollo Tubes against an order of the NCLT, which, on September 9, 2019, dismissed its insolvency plea filed as an operational creditor against Tanisha Scaffolding.

Tanisha Scaffolding was engaged in marketing the products manufactured by APL Apollo Tubes. Some amount against supplies was not remitted and fell due to be paid and therefore, APL Apollo Tubes filed the insolvency plea.

This was rejected by the NCLT, saying the debt was not due on the ground that there was no documentary evidence, which was furnished by the appellant to establish that the debt was due and payable.

Source: The Economic Times

Read Full news: <https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/nclat-directs-nclt-to-hear-afresh-insolvency-plea-by-apl-apollo-tubes/articleshow/111064184.cms?from=mdr>

➤ **MEP Infrastructure Developers to seek settlement with lenders under IBC: Jayant Mhaiskar**

Mumbai: MEP Infrastructure Developers (MIDL) will submit a plan under Section 12A of the Insolvency and Bankruptcy Code (IBC) and seek a settlement with lenders, its chairman told ET.

Jayant Mhaiskar said that before being admitted to bankruptcy, the company had planned to bring in a new investor. This plan will be pursued, he said. Section 12 A of IBC allows a promoter to settle dues with creditors and withdraw the insolvency application if 90% of the lenders agree to the plan. "We had already proposed a settlement. Now that the IBC process has started, we will wait for more clarity and (see) how the company is valued and submit a plan accordingly," Mhasikar said.

Source: The Economic Times

Read Full news : <https://economictimes.indiatimes.com/news/economy/infrastructure/mep-infrastructure-developers-to-seek-settlement-with-lenders-under-ibc-jayant-mhaiskar/articleshow/111042930.cms?from=mdr>

➤ **Section 9 Application Is Not Maintainable In Absence Of Strict Proof Of Debt And Default: NCLT Mumbai**

The National Company Law Tribunal, Mumbai Bench, comprising Shri K. R. Saji Kumar (Judicial Member) and Shri Sanjiv Dutt (Technical Member), while adjudicating an application under Section 9 of Insolvency and Bankruptcy Code, 2016 ("IBC, 2016") has held that Section 9 Application is not maintainable in the absence of strict proof of debt and default.

Mittal Polymers ("Operational Creditor") alleged a default of Rs.2,33,10,961/- against Suvarna Additives Limited ("Corporate Debtor"). This was based on several unpaid invoices issued by the Operational Creditor during the period between 2015 and 2019 for selling and supplying goods to the Corporate Debtor. The Corporate Debtor defaulted in the payment of outstanding dues from 16.09.2019. A demand notice dated 15.11.2019 was issued to the Corporate Debtor, however no reply was received and the payment for settling the outstanding dues was not made. Thus, an application was filed by Operational Creditor

Source: Live Law

Read Full news : <https://www.livelaw.in/ibc-cases/nclt-mumbai-section-9-application-maintainable-strict-proof-debt-default-260578?code=IavR5eKmBMhjOlBRwgqwdxXNe6oz1I>

