
(2026) 07 NCLAT CK 0048

In the National Company Law Appellate Tribunal, Pricipal Bench, New Delhi

Case No : Comp. App. (AT) (Ins) No. 954 of 2026 & I.A. No. 3800 of 2026

Ameet Enterprises A Proprietorship Concern Having Mr.
Sangeet Hisaria as The Sole Proprietor

APPELLANT

Vs

Electrotherm (India) Ltd.

RESPONDENT

Date of Decision : 01-07-2026

Acts Referred:

1B Code — Section 9

Citation : (2026) 07 NCLAT CK 0048

Hon'ble Judges : Justice Ashok Bhushan, Chairperson; Barun Mitra, Member (Technical)

Bench : Division Bench

Advocate : For Appellant : Mr. G.P. Madaan, Mr. Gauravdeep Bhal, Mr. Kumar Sparsh, Advocates?? For Respondents : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Mahesh Agarwal, Mr. Rishi Agarwala, Mr. Ankur Saigal, Mr. Shivam Shukla, Advocates

Final Decision : Dismissed

Judgement

(Hybrid Mode)

Heard Ld. Counsel for Parties.

2. This Appeal has been filed against the Order dated 18/03/2026 by which Order, Section 9 Application filed by the Appellant has been dismissed as infructuous. On 18/03/2026 following Order was passed by the Adjudicating Authority :

ORDER

"In terms of the last order dated 06.03.2026, the respondent/corporate debtor has placed an affidavit along with proof of deposit/payment of the remaining balance amount of Rs.3,84,939/- through RTGS, which is confirmed by the advocate on record for the applicant/QC. Since the entire amount of debt and default involved in the present case has already been paid by the respondent/corporate debtor before admission. Therefore,

nothing survives in the present matter. Accordingly, C.P.(IB)/275(AHM)2025 is disposed of being rendered infructuous."

3. Shri G.P. Madaan, appearing for the Appellant submitted that although the Appellant does not dispute the receipt of the amount Rs. 4,63,28,723.00/-but there are some additional amount to which Appellant is entitled, hence the Section 9 Application ought not to have been closed.

4. Shri Abhijeet Sinha, Ld. Senior Counsel for Respondent submitted that an additional-Affidavit has been filed by the Corporate Debtor where details of payment of Rs. 4,63,28,723.00/- has been noticed and the undisputed debit notes of Rs. 9,67,940/- was also mentioned in Paragraph 3.

5. In Paragraph 2 and 3 of the additional-Affidavit, following has been stated:-

"2. I say that as stated in the affidavit dated 8.11.2025 filed by the Corporate Debtor, pending the petition, the Corporate Debtor has made payment of Rs.4,68,28, 723 /- to the petitioner through RTGS. A table evidencing the said payment is reproduced herein below:-

Date	Amount in Rs.	UTR No.
30/10/2025	3,50,00,000.00	RTGS Dr-IDIB000F523-AMEET ENTERPRISES-AHMEDABADYESBR 52025103056508411
04/11/2025	50,00,000.00	RTGS Dr-IDIB000F523-AMEET ENTERPRISES-AHMED ABADYESBR52025110456540251
04/11/2025	50,00,000.00	RTGS Dr-IDIB000F523-AMEET ENTERPRISES-AHMEDABADYESBR 52025110456542503
07/11/2025	18,28,723.00	RTGS Dr-IDIB000F523-AMEET ENTERPRISES-AHMEDABADYESBR 52025110756555301
	4,68,28, 723.00	

3. I say that a perusal of affidavit dated 5.11.2025 filed by the petitioner would reveal that it is an undisputed fact that 5 debit notes worth Rs. 9,67,940.44 have been served on the petitioner by the Corporate Debtor before the issuance of Demand Notice under the provisions of the 1B Code. The only grievance raised by the petitioner in this affidavit qua 5 debit notes is that the debit notes which relates to the issue of quality / short supply of goods is not accepted by the petitioner. It is to state that for the purposes of present petition u/ s. 9 of the 1B Code, the acceptance or non-acceptance of a particular debit note becomes irrelevant. The fact remains that all the 5 debit notes were served to the petitioner before issuance of demand notice which constitutes a preexisting dispute."

6. Adjudicating Authority has also noticed about the payment of balance amount in the impugned order of Rs. 3,84,939.00. The submission of the Appellant that

there were certain additional amount which were required to be paid to the Operational creditor and some amount towards interest, does not commend us. When entire Part IV amount is paid, Adjudicating Authority did not commit any error in dismissing Section 9 Application as infructuous.

7. In the even if any other claims are there of the Appellant, it is always open for the Appellant to take such remedies as available in law.

8. With these observations, we **dismiss the Appeal**.