

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

Company Appeal (AT) (Insolvency) No. 1435 of 2026

In the matter of:

Anurag Bhardwaj Suspended Director Himaya Apparels Pvt. Ltd. **....Appellant**
Vs.

Groyyo Pvt. Ltd. & Anr. **...Respondents**

For Appellant	Present but not marked appearance
For Respondents	Mr. Amitesh Giroti, Mr. Arnab Sharma, Advocates.

ORDER
(Hybrid Mode)

07.08.2026: The petition under Section 9 has been admitted vide the impugned order dated 03.07.2026. This Appeal is filed against such impugned order dated 03.07.2026. It is the submission of the Learned Counsel for the Appellant there was a *pre-existing dispute* between the parties. The Respondent used to supply them cotton yarn etc. since January, 2023. The Appellant was complaining *qua* the quality of the yarn supplied. Learned Counsel for the Appellant referred to letters dated 18.01.2023 and 08.02.2023 sent to the Respondent *qua* the quality of the yarn being supplied. Counsel for the Appellant also referred to a police complaint dated 28.08.2023 against the Respondent *qua* defects in the goods supplied to them and threatening of the Respondent.

2. We have also perused the impugned order wherein the Learned Adjudicating Authority has rather considered the effect of letters dated 18.01.2023 as well as 08.02.2023 allegedly sent to the Operational Creditor *qua* the quality of goods supplied but equally observed there is no proof of

service of such letters. It also held it could not rely upon a unilateral police complaint as it is not an evidence of pre-existing dispute.

3. At this stage, Learned Counsel for the Appellant submits he shall file the proof of service of letters dated 18.01.2023 as well as 08.02.2023 by the next date along with an Investigation Report, if any, *qua* police complaint dated 28.08.2023.

4. Learned Counsel for the Respondent submits the claim is rather admitted by the Appellant as the Appellant had issued certain cheques of the admitted amount and multiple complaints under Section 138 have already been filed and are pending.

5. Learned Counsel for the Respondent No.1 appears on advance notice and seeks time to file reply. Let reply be filed within four weeks from today. Rejoinder, if any, be filed within four weeks thereafter.

6. In the meantime, the Respondent No.2 be also served and he shall also file reply within two weeks from the service of notice and rejoinder, if any, be filed within two weeks thereafter.

7. List the Appeal on 12.10.2026.

**[Justice Yogesh Khanna]
Officiating Chairperson**

**[Barun Mitra]
Member (Technical)**

**(Ajai Das Mehrotra)
Member (Technical)**

Anjali/md