

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

**Company Appeal (AT) (Insolvency) No. 137 of 2025**

**IN THE MATTER OF:**

**Saurabh Nanda,**  
**Suspended Director of Born Unicorn Tech Prixe Pvt. Ltd. ...Appellant**  
**Versus**  
**Big Barter Pvt. Ltd. & Anr. ...Respondents**

**Present:**

**For Appellant : Mr. Aditya Gauri, Mr. Amar Dave, Ms. Damini  
Srestha, Mr. Anant Jain, Advocates.**  
**For Respondents : Mr. Akash Chatterjee, Advocate for R-1.  
Mr. Dhananjaya Sud, Advocate for R-2.**

**O R D E R**  
**(Hybrid Mode)**

**07.03.2025:** Heard learned counsel for the parties. This appeal has been filed against order dated 10.01.2025 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench, Court IV by which order Section 9 application filed by the Respondent herein has been admitted. When the appeal was taken for consideration, learned counsel for the Appellant submitted that the Appellant has handed over a cheque for the amount for which Section 9 application was filed. On 31.01.2025 following order was passed:

**“O R D E R**  
**(Hybrid Mode)**

**31.01.2025:** *Learned counsel for the Appellant submits that Appellant has handed over a cheque for the amount for which Section 9 application was filed. Learned counsel for the Respondent submits that the said is a post-dated cheque dated 02.03.2025.*

Cont'd.../

*Let this appeal be taken on **07.03.2025**.*

*Till next date, IRP may collate the claims,  
however, shall not constitute the CoC.”*

2. Today, when the matter was taken, learned counsel for the Respondent submits that post-dated cheque could not be encashed and Appellant sought further time from the Respondent.

3. The Adjudicating Authority has admitted Section 9 application after returning finding of debt and default, and the fact that Appellant made submission that he will pay debt by post-dated cheque clearly accept the debt and default. We, thus, do not find any ground to interfere with the impugned order. However, we grant liberty to file application under 12A before the Adjudicating Authority in event a settlement is entered between the parties. Subject to above liberty, appeal is dismissed.

**[Justice Ashok Bhushan]**  
**Chairperson**

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

*Archana/nn*