

(2023) 05 NCLT CK 0046

In the National Company Law Tribunal

Case No : IA NO.111/2023 In CP (IB) No.357/ALD/2019

Himalayan Equipment Manufacturing Co. Pvt.Ltd Vs Elan Professional Appliances Pvt.Ltd ?

Date of Decision : 08-05-2023

Acts Referred:

Citation : (2023) 05 NCLT CK 0046

Hon'ble Judges : Praveen Gupta, Member (J);Ashish Verma, Member (T)

Bench : Division Bench

Advocate : Babita Jain, V.K. Gupta, Udai Chandani, Saurabh

Final Decision : Disposed Of

Judgement

IA NO.111/2023

Learned Counsels for the parties present.

1. This is an application for recalling of the order dated 28.02.2023 passed by this Tribunal, whereby the Respondent/ Corporate Debtor was set ex-parte. The advance copy of the said IA has already been served to the Ld. Counsel representing the Operational Creditor, who is also present.

2. Let the notice of the IA be issued, which is accepted by the Ld. Counsel for the Operational Creditor and has no objection to the present IA.

3. In view of the averments mentioned in the IA and the submissions made by the Ld. Counsel representing the Corporate Debtor as well as no objection of the Ld. Counsel for the Operational Creditor to the present IA, the IA No.111/2023 is allowed subject to the payment of cost of Rs.10,000/- to be deposited by the Corporate Debtor in Prime Minister's National Relief Fund within a period of two weeks, and submits the report in next hearing. Accordingly, the Respondent/ Corporate Debtor is restored to its original position subject to payment of cost.

4. Accordingly, IA No.111/2023 stands disposed off.

5. Let the main matter (CP (IB) No.357/ALD/2019) to come up for further

hearing on 2nd June, 2023.