
(2022) 03 NCLT CK 0069

In the National Company Law Tribunal

Case No : I.A. No. 1055 OF 2021 In CP (IB) NO. 1042/KB/2020

Kohinoor Tea Co. Ltd

APPELLANT

Vs

Joydeb Bal

RESPONDENT

Date of Decision : 25-03-2022

Acts Referred:

Insolvency and Bankruptcy Code, 2016 — Section 9
National Company Law Tribunal Rules, 2016 — Rule 32

Citation : (2022) 03 NCLT CK 0069

Hon'ble Judges : Rohit Kapoor, Member (J); Harish Chander Suri, Member (T)

Bench : Division Bench

Advocate : Siddhartha Chatterjee, Shameek Ray, Niket Ojha, Jishnu Choudhury, Swapna Choubey, Mohan Ram Goenka, Sneha Kahitan

Final Decision : Dismissed

Judgement

Rohit Kapoor, Member (Judicial)

1. The court convened by video conference today.
2. This Application under rule 32 and other provisions of the National Company Law Tribunal Rules, 2016 has been filed by Kohinoor Tea Co. Ltd, being the Corporate Debtor, seeking the following reliefs:
 - a) The delay in filing the reply affidavit be condoned;
 - b) The order dated 1.09.2021 be recalled and/ or suitably modifies in order to permit the Corporate Debtor to file the reply affidavit;
 - c) Ad interim orders in terms of prayer above
3. This Adjudicating Authority, vide order dated 6.12.2021 allowed the reply-affidavit filed by the Corporate Debtor to be taken on record subject to payment of ₹ 20,000/- as cost, payable to Prime Minister Relief Fund. It further allowed the filing of rejoinder, if any, within two weeks.

4. The Corporate Debtor, vide affidavit dated 3.01.2022, has verified the payment of the costs in terms of the abovementioned order dated 6.12.2021. As such, the reply- affidavit filed by the Corporate Debtor has been taken on record.
5. In view of the order dated 6.12.2021, wherein the Corporate Debtor was granted opportunity to file the Reply- Affidavit, and also in view of the Compliance Affidavit filed by the Corporate Debtor regarding the same, the instant application is rendered infructuous and is hereby dismissed.
6. List CP (IB) NO. 1042/KB/2020 on 27.04.2022 for further consideration.
7. The registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps.
8. Certified Copy of this order may be issues, if applied for, upon compliance of all requisite formalities.