
(2023) 05 NCLT CK 0044

In the National Company Law Tribunal

Case No : MA No. 01/2023 In Appeal No. 53/ALD/2019

M/S Nirmala Sahu Business Complex Pvt.Ltd & Ors Vs ROC Kanpur ?

Date of Decision : 09-05-2023

Acts Referred:

Citation : (2023) 05 NCLT CK 0044

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

Bench : Division Bench

Advocate : Krishna Dev Vyas, Rupendra Kumar Porwal, Samir Agrawal

Final Decision : Dismissed

Judgement

1. Ld. Counsel representing the appellant states that a condonation of delay application was filed vide Diary No. 1284 dated 29th July, 2019 however, the same has not been listed so far.

2. It is also further stated by him that a soft copy of the said application has been uploaded on the portal of this Tribunal vide Diary No. 090210900303/2023 dated 2nd April, 2023. Let the Registry examine the same and accordingly, the application be listed.

3. In the order dated 5th January, 2023 passed by this Tribunal, it was mentioned that the respondent was set ex-parte vide order dated 25th September, 2021, whereas the order was passed by this Tribunal on 25th September, 2019 whereby the respondent was set ex-parte. The order dated 5th January, 2023 be read as corrected/rectified to this extent.

MA No.01/2023

1. The Ld. Counsel representing the applicant/respondent in main petition, states that this application has been filed for recalling of the order dated 25th September,

2. 2019, however, the said application has been wrongly made for recalling of the order dated 25th September, 2021. He also states that inadvertently the copy of the order dated 25th September, 2019 has not been attached alongwith the

present MA No. 01/2023. Faced with this defect in the application, he seeks to withdraw the present application with liberty to move the appropriate application in accordance with law.

3. MA No.01/2023 is accordingly, dismissed with liberty to move the appropriate application in accordance with law subject to just exceptions.

Let the matter be adjourned for 7th June, 2023.