
(2024) 02 NCLT CK 0046

In the National Company Law Tribunal

Case No : IA(I.B.C)/349 (CH)2024 CP (IB) No.148/Chd/Chd/2022

Religare Finvest Limited

APPELLANT

Vs

Sadashiv Capital Services Private Limited

RESPONDENT

Date of Decision : 13-02-2024

Acts Referred:

Citation : (2024) 02 NCLT CK 0046

Hon'ble Judges : Harnam Singh Thakur, Member (J); Subrata Kumar Dash, Member (T)

Bench : Division Bench

Advocate : Sanjeev Singh, Vaibhav Gupta

Final Decision : Dismissed

Judgement

IA No. 349/24 has been filed for recalling of the order dated 30.01.2024 whereby the applicant/corporate debtor was proceeded ex parte and for permitting the applicant/corporate debtor to address the arguments. Perusal of the order dated 30.01.2024 reveals that there was no representation on behalf of the applicant/corporate debtor despite repeated calls and even before the last date of hearing last opportunity was granted to the corporate debtor to comply with the order dated 13.10.2023 but it was not complied with. In these circumstances, the present applicant/corporate debtor was proceeded ex parte and final order was reserved.

Keeping in view the facts and circumstances, no notice is required to be given to the other party and Id. counsel for the petitioner has opposed this application. However, Id. counsel for the petitioner agreed that he has no objection if the written submissions of corporate debtor are taken on record, if already filed. Keeping in view the facts and circumstances, the present application IA No. 349/24 is dismissed.

At this point of time, Id. counsel for the corporate debtor still objected to the passing of the said order. In these circumstances, his written submissions are not

to be taken on record and cost of Rs. 30,000/- is imposed to be deposited in the Prime Minister's National Relief Fund for wasting precious judicial time.

On repeated requests made by the Id. counsel for the corporate debtor, the cost is however waived off.