

(2023) 03 NCLT CK 0027

In the National Company Law Tribunal

Case No : CP (IB) No.104/ALD/2022

RGSG Global Hawk Llp Vs Shri Banke Bihari Steels Private Limited ?

Date of Decision : 02-03-2023

Acts Referred:

Citation : (2023) 03 NCLT CK 0027

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

Bench : Division Bench

Advocate : Babita Jain

Final Decision : Dismissed

Judgement

Ld. Counsel for the Petitioner/ Operational Creditor present. However, none present for the Respondent/ Corporate Debtor.

On the last date of hearing dated 16.02.2023, the following order was passed :-

'None present for the parties.

On the last date of hearing i.e. 02.02.2023, the following order was passed:-

"As per the previous order, the Ld. Counsel representing the petitioner has sought time for seeking instructions from her client about the settlement which has already been executed inter se between the parties. Ld. Counsel representing the petitioner further states that she has not received any communications/ response with regard to the instructions from the client. She requests one week more time for getting instructions.

The Ld. Counsel representing the Respondent/Corporate Debtor submitted that a settlement deed has been executed on 07th November, 2022 and an affidavit has been filed/attaching therewith the aforesaid settlement deed with this Registry of this Tribunal on 23rd January, 2023 vide Diary No.461. The

Ld. Counsel representing the Operational Creditor requests to give some more time to seek instructions as well as file response to the said affidavit, copy of which has already been received by her. Let the needful be done and the matter

to come up for further hearing on 16th February, 2023.”

Today, there is no representation on behalf of the operational creditor with regard to any instructions as regard to the aforesaid statements.

Let notice be issued to the operational creditor by the Registry of this Tribunal limited to the extent of responding to the order dated 02.02.2023, either directly by itself or through its authorized representative.

The matter to come up for hearing on 2nd March, 2023.

Registry to report about the service/ response, if any.’

In pursuance of the aforesaid order, the notice to the Operational Creditor was issued by the Registry of this Tribunal by way of an email dated 20.02.2023 as well as by way of registered post and as per the tracking report it is showing as delivered.

Today, again the Ld. Counsel for the Operational Creditor states that she has got no further instructions from Operational Creditor.

Since, there is neither any response to the settlement nor there are instructions and therefore the Ld. Counsel for the Operational Creditor has shown her inability to verify the settlement agreement.

In view of the statement made by the Ld. Counsel for the Operational Creditor having no further instructions from the Operational Creditor, the present petition is dismissed for non-prosecution.