

(2023) 10 NCLT CK 0066

In the National Company Law Tribunal

Case No : IA No.477/2023 IN CP (IB) No.36/ALD/2023

Supercast Technologies Private Limited Vs Valplast Technologies Private Limited ?

Date of Decision : 17-10-2023

Acts Referred:

Citation : (2023) 10 NCLT CK 0066

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

Bench : Division Bench

Advocate : Rakesh Kumar, Varad Nath

Final Decision : Disposed Of

Judgement

IA No.477/2023

1. As per the order dated 28th August, 2023, it was observed by this Tribunal that the reply on behalf of the Corporate Debtor was required to be filed within a period of two weeks by serving an advance copy to other side, failing which the right to file reply by the Corporate Debtor shall be forfeited.

2. On 21st September, 2023, the following order was passed:-

1. Ld. Counsel for the parties present.

2. As per the previous order dated 28 August, 2023, it was observed that the reply would be filed by the Corporate Debtor within a period of two weeks by serving an advance copy to other side, failing which the right to file reply by the Corporate Debtor shall be forfeited.

3. Today the Ld. Counsel representing the Corporate Debtor stated that the soft copy of the reply has been uploaded on the e-portal of this Tribunal. The Ld. Counsel representing the Operational Creditor objects to this filing of the said reply in view of the aforesaid order.

4. In view of the aforesaid order passed on 28 August, 2023 the right to file reply stood closed immediately on expiry of the two week's period from the date of the

passing of the order dated 28 August, 2023, the reply is thus not taken on record.

5. The matter is adjourned for 17 October, 2023 for further hearing.

3. As observed in the order dated 21st September, 2023 the right to file reply was struck off because the reply was not filed within a period of two weeks in compliance of the order dated 28th August, 2023. Later, the reply was uploaded on the e-portal of this Tribunal much after expiry of the two weeks' period from the date of passing of the order dated 28th August, 2023.

4. The present application has now been filed for recalling of the orders dated 28th August, 2023 as well as 21st September, 2023 and to permit the Corporate Debtor to file the reply/ affidavit in the present petition.

5. In view of the averments made in the application and the oral submissions made by the Ld. Counsel representing the Corporate Debtor, the notice is issued to the Ld. Counsel representing the Operational Creditor. The Ld. Counsel representing the Operational Creditor accepts notice, and therefore, waives service. He however, objects to the filing of the present application, and does not wish to file the reply.

6. In view of the averments made in the application and the oral submissions made by the Ld. Counsel representing the Operational Creditor as also in view of the fact that the reply has already been filed on the e-portal, even though, after expiry of the two weeks' period from the date of the order dated 28th August, 2023, we are inclined to permit the reply already filed by the Corporate Debtor, to be taken on record subject to the payment of cost of Rs.15,000/- to be paid in the 'Prime Minister's National Relief Fund'.

7. Rejoinder if any, be filed within a period of one week with advance copy to be supplied to the Ld. Counsel representing the Corporate Debtor.

8. Hard copy of the reply would however be filed within a period of three days.

9. The matter is adjourned for 24th November, 2023 for further hearing.