

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI

COURT-VI

**Item No. 202
IB-357/ND/2020**

IN THE MATTER OF:

Mr. Nishit Goel

...PETITIONER

Vs.

M/s. Hitani Enterprises Pvt. Ltd.

...RESPONDENT

Section

Under Section 9 of IBC

Order delivered on 12.03.2020

Coram:

SHRI. ABNI RANJAN KUMAR SINHA, HON'BLE MEMBER (JUDICIAL)

DR. V.K. SUBBURAJ, HON'BLE MEMBER (TECHNICAL)

**For the Petitioner/Op.-Creditor/F.C. :Mr. Soumya Mehrotra, Proxy
Counsel**

For the Respondent/ Corporate-debtor :Mr. T.S. Chaudhary, Advocate

ORDER

Counsels for both the parties are present. The learned counsel appearing on behalf of the corporate-debtor has submitted that the reply is ready, but he could not file the same due to certain reasons and he is ready to serve the hard copy of the reply in course of the day. He further submitted that he has not received the back portion of the cheque as directed by this Adjudicating Authority on 14.02.2020. The learned counsel appearing on behalf of the operational-creditor has submitted that the entire documents have already been served upon the corporate-debtor on 14.02.2020 and endorsement in this regard is also given by the learned counsel appearing on behalf of the corporate-debtor, however, she has submitted that today, she has already served the copy of the back portion of the cheque.

(Meenu)



Learned counsel appearing on behalf of the corporate-debtor seeks three days' time for filing the reply.

Considering the facts that on 14.02.2020, the corporate-debtor was directed to file the reply within two weeks from the date of passing of the order after serving advance copy upon the operational-creditor, but that order has not been complied by the corporate-debtor. Therefore, we think it proper to impose some cost. Accordingly, the respondent is permitted to file the reply by serving advance copy in course of the day, thereafter file the same on 16.03.2020 subject to the payment of cost of Rs. 10,000/- to be deposited in the Prime Minister Relief Fund. Thereafter the learned counsel appearing on behalf of the operational-creditor is directed to file the rejoinder if any within a week after the receipt of the reply filed on behalf of the corporate-debtor. Dasti of this order is allowed. Service of this order by e-mode is also permitted. Matter is adjourned to 18.03.2020.

-sd-

(V.K. Subburaj)
Member (T)

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(Abni Ranjan Kumar Sinha)
Member (J)