

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V

Item No.-301
IB - 2548/ND/2019

IN THE MATTER OF:

M/s Manali Digi Commerce Pvt. Ltd.

...Applicant

Vs

M/s Trinitron Softech Pvt Ltd.

...Respondent

SECTION

Under Section -9 of IBC, 2016

Order delivered on 07.02.2020

CORAM:

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

SHRI K.K. VOHRA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant :Adv. Shitij, Adv. Anuj

For the Respondent : Adv. Abhishek

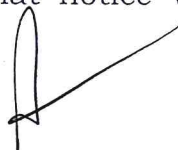
ORDER

CA-152/2019:-

An application bearing No. **CA-152/2019** filed on behalf of the respondent under Section 9 of the IBC, 2016 read with Rules 11 & 49 of the NCLT Rules, 2016 seeking setting aside of the order dated **07.11.2019** in which the proceeding was fixed for ex-parte against the Corporate Debtor.

We have heard the counsel for Corporate Debtor/respondent as well proxy counsel for petitioner.

Ld. Counsel for Corporate Debtor/respondent submitted that on **17.12.2019** an application was filed on behalf of the Corporate Debtor for setting aside the ex-parte order dated **07.11.2019**. Ld. Counsel for Corporate Debtor/respondent submitted that notice was never served upon them and



therefore, respondent was not aware about the pendency of the present proceedings and then he came to know that the proceeding was posted for ex-parte hearing vide order dated **07.11.2019**.

Considering the submissions made on behalf of both the parties and on perusal of the order dated 15.10.2019, we find, notice was ordered to be issued and on the next date of hearing i.e. 07.11.2019 the proceeding was posted for ex-parte hearing. Therefore, we think it proper to set aside the order dated 07.11.2019 by which the proceeding was fixed for ex-parte hearing against the Corporate Debtor. Accordingly, **we hereby set aside the order dated 07.11.2019** by which the proceeding was fixed for ex-parte hearing subject to payment of cost of **Rs.5,000/-** to be deposited in the **Prime Minister's Relief Fund**. Payment of cost is condition precedent. Ld. Counsel for respondent is directed to deposit the cost within 7 days from today i.e. **14.02.2020**, failing which order shall stand cancelled. Ld. Counsel for Corporate Debtor submitted that he has already filed the reply. If the Corporate Debtor will deposit the cost within the period then reply filed by the Corporate Debtor will be taken on record and Ld. Counsel for Petitioner is directed to file the rejoinder within one week from today after serving advance copy of the same to the Ld. Opposite Counsel. No further adjournment will be granted on any ground.

Pursuant to the order dated 14.01.2020, Court Officer has submitted the explanation. We have gone through the explanation submitted by the Court Officer. So, we accept the explanation submitted by the Court Officer.

List the case on **26.02.2020**.

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(K.K. VOHRA)
MEMBER (T)

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(ABNI RANJAN KUMAR SINHA)
MEMBER (J)

(Chirag)