

**IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI**

**COURT-III**

IB 165/213 (ND)/2019  
CA No. 713/C-III/ND/2019

**IN THE MATTER OF:**

Mr. Nitin Bansal and Anr.

...PETITIONER

Vs

M/s. Arjun Sharma & Ors.

...RESPONDENT

**SECTION**

Under Section 213 IBC 2016

Order delivered on 11.10.2019

**Coram:**

Shri Ch. Mohd. Sharief Tariq,  
Hon'ble Member (Judicial)  
Shri Kapal Kumar Vohra,  
Hon'ble Member (Technical)

For the Petitioner/Applicant  
For the Corporate Debtor

: - Mr. Sameer Rastogi and D.S. Advocates  
:

**ORDER**

Learned Counsel for the applicant is present and requested to set aside the order dated 22<sup>nd</sup> August, 2019 on the ground that there was no lack of due diligence on the part of the petitioner but due to some unavoidable circumstances the order of the court could not be complied with. However, it is noted that the proxy counsel was present on the date when the petition was **dismissed**. The cause shown by the counsel for the applicant is sufficient to restore the petition. Therefore, the petition i.e. C.P. 165 of 2018 is restored by setting aside the order dated 22.08.2019. The Counsel for the petitioner is directed to send fresh notice to the respondents and file proof of service with affidavit. The application stands disposed of. Registry is directed <sup>to</sup> list the matter *h*  
29.11.2019.

-Sel-

(K. K. VOHRA)  
MEMBER (TECHNICAL)

-Sel-

(Ch. Mohd. Sharief Tariq)  
MEMBER (JUDICIAL)