

**IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT NO. IV, NEW DELHI**

**Item No. 108
(IB)-/394ND/2019**

Under Section: 9 of IBC.

In the matter of:

Fine Group Corporation Ltd

....Applicant

Vs.

Lemon Electronics Ltd

....Respondent

Order delivered on 27.08.2019

CORAM

**DR. DEEPTI MUKESH,
HON'BLE MEMBER (J)
SHRI HEMANT KUMAR SARANGI,
HON'BLE MEMBER (T)**

For the Applicant : Mr. Abhishek Kumar Tripathi, Adv.
For the Respondent :

ORDER

Learned counsel for the Corporate Debtor appears and states that order to proceed ex-parte is passed on 06.06.2019. An application is filed on 24.08.2019 by the Corporate Debtor for setting aside ex-parte order passed and seeking permission to appear. The application has not come to the court file. Perused the copy supplied by the learned counsel. Learned counsel states that the date of hearing of 06.06.2019, by mistake was wrongly noted as 06.08.2019, hence, the Corporate Debtor could not appear on 06.06.2019 when order came

to be passed. On 06.08.2019, when Corporate Debtor came to know about ex-parte order, application was filed. The learned counsel, prays that in the interest of justice, the application be allowed. Considering the submission made by learned counsel, application for setting aside the ex-parte order is allowed, permitting the Corporate Debtor to appear. Let, reply be filed within ten days with copy in advance to the other side, subject to payment of cost of Rs. 10,000/- to applicant failing which reply shall not be taken on record. Rejoinder, if any, be filed within five days thereafter. Adjourned to 19.09.2019.

Sd/-
(HEMANT KUMAR SARANGI)
MEMBER (TECHNICAL)

Sd/-
(DR. DEEPTI MUKESH)
MEMBER (JUDICIAL)

Vaishali