

BENCH-I

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

CP(IB) No. 469/KB/2018

CA (IB) No. 813/KB/2018

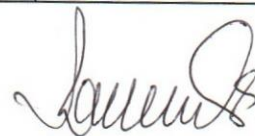
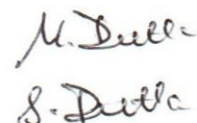
Present: Hon'ble Member (J), Shri Jinan K.R.

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 18TH SEPTEMBER, 2018, 10:30 A.M.

Name of the Company		Techno (India) Vs V.A.S Sales Pvt Ltd	
Under Section		9 IBC	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1 R. K. DAS GUPTA

APPLICANT


① Megnad Dutta
Sormi DuttaOperational
Creditor

ORDER

15/9/18

Ld. Counsel for the operational creditor and the corporate debtor is present.

CA(IB) No. 813/2018 is filed by the corporate debtor for setting aside the ex-parte order passed on 05/07/2018. It is alleged that because of the unfamiliarity with the procedure in initiating an application of this nature and to participate in the proceeding, hence this application.

This application is opposed by the Ld. Counsel appearing for the operational creditor. According to him the application is not maintainable.

Though the contentions and reason for absence of the applicant stated in the petition as well as in the affidavit is not at all satisfactory, but in order to have a decision on merit in the application filed u/s. 9 as against the applicant/corporate debtor, and in the interest of justice this application is liable to be allowed provided Rs. 10,000/- (Rupees Ten thousand only) is to be paid in the Chief Minister's Distress Relief Fund of Kerala (www.donation.cmdrf.kerala.gov.in) within 15 days from the date of uploading the order. If payment is made the petition stand allowed. Upon payment made as above the applicant, who is the respondent in the C.P.(IB) No. 469/KB/2018 is permitted to file reply affidavit.

CA(IB) No. 813/KB/2018 is disposed of accordingly.

List the C.P. On 10/10/2018 for further consideration.



(Jinan K.R.)
Member (J)