

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH, (COURT-II)**

**Item No. 102 & 216**

**(IB)-266(ND)2019**

**IA/1577/2020 IA/5173/2020 IA/1273/2020**

**IN THE MATTER OF:**

**Mr. R. Tarkeshwar Narayan** ... **Applicant/Petitioner**  
**Versus**  
**M/s. Horizon Buildcon Pvt. Ltd** ... **Respondent**

**Under Section: 7 of IBC, 2016**

**Order delivered on 12.01.2021**

**CORAM:**

**SHRI. ABNI RANJAN KUMAR SINHA**  
**HON'BLE MEMBER (J)**

**SHRI. L. N. GUPTA**  
**HON'BLE MEMBER (T)**

**PRESENTS:**

**Abhishek Anand, Rahul Adlakha, Pathik Choudhury, Adv for RP**  
**Prateek kushwaha, Advocate for Applicants in IA No. 1273/2020**

**ORDER**

**IA/59/2021** : By filing this application, the applicant has prayed to direct the Registry to take the reply of the COC on record. We have heard Ld. Counsel appearing for the COC, Mr. Aditya Nayyar as well as the Ld. Counsel appearing for the erstwhile IRP and perused the averment made in the application. Ld. Counsel appearing for the COC submitted that vide order dated 05.01.2021, the respondent/applicant was debarred from filing the reply. He further submitted that the reply could not be filed because the RP failed to handover the relevant documents and once the documents were received, the reply has been filed. He further submitted another ground for not for filing the reply within time is that the Counsel as well as the parents of the counsel were tested COVID positive and due to this the reply could not be filed within time. So, considering these circumstances, he prays that the reply filed along with this application may be taken on record for consideration.



On the other hand, Ld. Counsel appearing for the erstwhile IRP opposed the prayer on the ground that sufficient opportunity had already been given to the COC to file the reply.

Considering the submissions, when we refer to our order dated 05.01.2021 we find mention that in view of the order passed by this adjudicating authority on 2<sup>nd</sup> November 2020, the respondent was directed to file the reply by 27.11.2020. But no reply was filed within that period and even by the date of hearing, i.e. 05.01.2021. Therefore, the right of the applicant to file reply was closed on 05.01.2021.

Considering this, we are not inclined to allow the prayer of the applicant. Accordingly, the prayer of the applicant is hereby rejected.

The present **IA stands dismissed.**

**IA/1577/2020** : None appeared on behalf of the applicant. List this along with IA 3533/2020 on 15<sup>th</sup> February 2021.

**IA/1273/2020** : Since the records are not available on the website, therefore, the applicant is requested to share the PDF file with the Registry so that it may be uploaded before the next date of hearing.

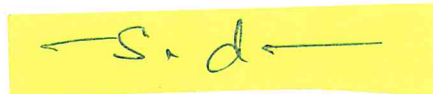
List the matter on 18<sup>th</sup> January 2021.

**IA/1577/2020** : List this matter on 18<sup>th</sup> January 2021.

**IA/5173/2020** : Heard. **Order Reserved.**



**(L.N. GUPTA)**  
**MEMBER (T)**



**(ABNI RANJAN KUMAR SINHA)**  
**MEMBER (J)**