

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT - IV

ITEM No. 8
(IB)-1456/ND/2018
IA-477/ND/2021

IN THE MATTER OF:

Jatalia Global Ventures Ltd. ... Applicant/Petitioner

Vs

Gokul Exim Pvt. Ltd. ... Respondent

Order under Section 9 of IBC.

Order delivered on 03.02.2021

Coram:

DR. DEEPTI MUKESH,
HON'BLE MEMBER (JUDICIAL)
MS. SUMITA PURKAYASTHA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Mohit Chaudhary, Adv. Ms. Garima Sharma, Adv.
For the Respondent :

ORDER

IA No. 477/ND/2021:

This is an application filed by Operational Creditor seeking condonation of 14 days delay in filing restoration application for restoring IB-1456/ND/2018 to its original number which was dismissed for non-appearance vide order dated 15.12.2020. Learned Counsel states that after the lockdown, the Managing Directors of the company was unwell and was totally relying on counsels who were appearing on their behalf. Due to non-reporting by the previous counsel, Managing Director was totally unaware stage of the final arguments in matter. It is time and again observed by Hon'ble Supreme Court that due to non-action or default of counsel, the parties should not suffer the consequences.

Considering the same, we allow this application and condone the delay in filing restoration application. Learned Counsel for the applicant further states that restoration application has already been filed on the same day which may come up any time for consideration.

IA No. 477/ND/2021 is allowed and disposed of.

Sd/-
SUMITA PURKAYASTHA
MEMBER (TECHNICAL)

Sd/-
DR. DEEPTI MUKESH
MEMBER (JUDICIAL)