

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

IN THE MATTER OF :

CP 662/2016

Sharda Rawat

...Petitioner

v.

Kee Projects Ltd.

...Respondent

SECTION: UNDER SECTION 433(e), 439

Order delivered on 17.11.2017

Coram :

CHIEF JUSTICE M.M. KUMAR
Hon'ble President

R. VARADHARAJAN,
Hon'ble Member (J)

For the Petitioner (s)

: Mr. Rakesh Mukhija, Advocate

For the Respondent(s)

ORDER

CA No.413(PB)/2017

This is an application filed to recall the order dated 6.10.2017 dismissing of C.P. No. 662/2016 for non-prosecution.

Learned counsel for the applicant has stated that he did not have information with regard to listing of cases and could not mark the list. He came to know about the dismissal only on 30.10.2017. It has further been stated that the absence is not intentional and is bona fide as the petitioner do not stand to gain any advantage by remaining absent.

For the reason stated in the application the order dated 6.10.2017 is recalled.

The petition is restored as it original number. Matter is taken up for hearing.



Main Case

Learned counsel for the petitioner states that the matter was compromised vide MOU dated 20.8.2017 and according to the understanding reached an amount of Rs.22,15,565/- was payable to the petitioner along with interest @15 % per annum. As per compromise four monthly instalments were required to be paid in the following manner:-

- (i) Rs.9,21,619/- payable on 21st Aug, 2017 before NCLAT by means of Demand Draft/ Pay Order;
- (ii) Rs.9,56,842/- payable on 21st Sept, 2017 by means of RTGS/ Demand Draft/ Pay Order;
- (iii) Rs.9,44,343/- payable on 21st Oct., 2017 by means of RTGS/ Demand Draft/ Pay Order;
- (iv) Rs.9,32,981/- payable on 21st Nov., 2017 by means of RTGS/ Demand Draft/ Pay Order;

Mr. Vijay Shankar Madaan the MD of respondent company, who present in person states that a sum of Rs.19,50,000/- namely first two instalment have been paid. On account of Anti non-profiteering clause in GST some delay is confronted as revised invoices are required to be filed. However Mr. Maddan undertakes to make the balance payment on before the end of year i.e 31.12.2017.

List to report compliance on 9.1.2018.

Sd/-

(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT

Sd/-

(R. VARADHARAJAN)
MEMBER (J)

17.11.2017
(vs)