

**THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT - II**

IB - 385(ND)/2017

Coram:

**SHRI S. K. MOHAPATRA
HON'BLE MEMBER (TECHNICAL)**

**SMT. INA MALHOTRA
HON'BLE MEMBER (JUDICIAL)**

**ATTENDENCE CUM ORDER SHEET OF THE HEARING BEFORE NEW
DELHI BENCH OF THE NATIONAL COMPANY LAW TRINUNAL ON
07.12.2017.**

NAME OF THE COMPANY : Pawan Dubey
Vs
J. B. K. Developers Pvt. Ltd.

SECTION OF THE COMPANIES ACT : Under Section 7 of IBC

PRESENT:

For the APPLICANT / PETITIONER :- Mr. Pawan Dubey, Advocate
Mr. Biswajit Das, Advocate

For the RESPONDENT :- Mr. Praveen Mahajan, Advocate

ORDER

The matter was reserved for orders on 29.11.2017. While dictating the order it is seen that respondent company has filed CA 300/C-II/2017 for recall of ex-parte order and to afford them an opportunity to file reply / objection to the main application.

No doubt on the previous date of hearing the defendant was given opportunity of hearing, however the fact remains that neither the CA300/C-II/2017 has been disposed off nor any opportunity was afforded to the

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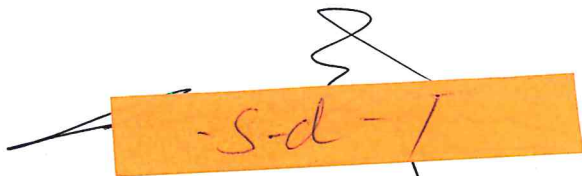


respondent to file reply/objection in the present case. Needless to say that disposal of the main application without affording an opportunity to the respondent to file a reply will be against the principle of natural justice. Besides once the Respondent Company has prayed before this Bench to afford an opportunity to file reply without depositing such prayer and without affording opportunity to file their objections, the matter cannot be finally disposed off.

In the facts once the respondent has appeared and in the interest of justice the CA300/C-II/2017 is disposed off by recalling the ex-parte order dated 25.10.2017. In the addition an opportunity is afforded to the respondent company to file reply within 7 days hereof with copy in advance to the applicants.

List the matter on 15.12.2017 for final disposal.

Both counsels have been apprised of the aforesaid direction.



S. K. MOHAPATRA
HON'BLE MEMBER (T)



INA MALHOTRA
HON'BLE MEMBER (J)

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