

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**  
**NEW DELHI**

**C. P. NO. 30(ND)14**  
**CA. NO.**

**CORAM:**


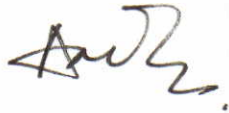
**PRESENT: SH. R. VARDHARAJAN**  
**HON'BLE MEMBER (J)**

**SH. M.K. HANJURA**  
**HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 21.10.2016**

**NAME OF THE COMPANY:** M/s. Girish Jain & Anr. V/s. M/s. Triumph Tutorials Pvt. Ltd. & Ors.

**SECTION OF THE COMPANIES ACT: 397/398**

<u>S.NO</u>	<u>NAME</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	CS RANJEET PANDEY	PCS	Respondent (1)	
2.	ANKIT SHAH	Advocate	Petitioner	

**ORDER**

By this order we propose to dispose of an application for setting aside the order dated 21-09-2016 of this tribunal whereby the Respondent has been placed under ex-parte.

Heard/ perused the application and the other allied material on record.

The crux of the application of the Respondent is that the matter was fixed for hearing on 21.09.2016 but the counsel inadvertently noted 21.10.2016 as the next date of hearing and on the 4<sup>th</sup> day of October, 2016 the respondent appeared and requested for a short accommodation for filing an application to recall the order dated 21.09.2016. The applicant/respondent has proceeded to state that the absence of his counsel from the Tribunal was neither intentional nor deliberate but due to a bona fide reason spelt above. In the premises the respondent has craved the indulgence of this tribunal in setting aside the order of the ex parte initiated against him. The application is buttressed with an affidavit.

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It needs to be said that the Petitioner has chosen not to file his objections to the application of the respondent.

Since the petitioner has not filed his objections to the application of the respondent, therefore, there appears to be no reason to disbelieve the averments set up by the respondent in his application for setting aside the orders of ex parte. The contents of the application of the respondent taken on their face value lead one to conclude that he has carved out a good cause for his application to succeed.

Viewed in the context of what has been said above, the order dated 21-09-2016 where by the Respondent has been set ex-parte is set aside subject to the payment of costs to the tune of Rs.5, 000 which shall be deposited in the Library Fund maintained by this Tribunal.

List on 29.11.2016 for arguments.

541-

(R.Varadharajan)  
Member (Judicial)

541-

(Maharaj Krishan Hanjura)  
Member (Judicial)