

National Company Law Tribunal

Allahabad Bench

CP NO. 8/2016

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 06.11.2017

NAME OF THE COMPANY: Dr Vishnu Dutt Agarwal vs. Aditya Medical Books Pvt Ltd

SECTION OF THE COMPANIES ACT/I & B CODE: 433/434 of the Companies Act 1956

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
1.	Shekhar Gupta Adv.		For Petitioner	[Signature]
2.	Shafiq Hussain with Petitioner no. Dr V.D. Agarwal in person.		For Petitioner	

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Shri Shekhar Gupta for the petitioner. He files restoration application against the order impugned dated 31.07.2017 of this Tribunal, whereby the court had dismissed the present case for want of prosecution and on a non-compliance of Courts' direction by the present petitioner. However, he has now given some reason for none issuance of notice to the opposite party and explained such his local counsel, despite his instruction, has failed to remain present. Hence, there can be no deliberate omission/ attempt on the part of the petitioner to remain absent from court proceedings. Hence, present petition deserves to be restored in the interest of justice and to be heard and decide on its merits.

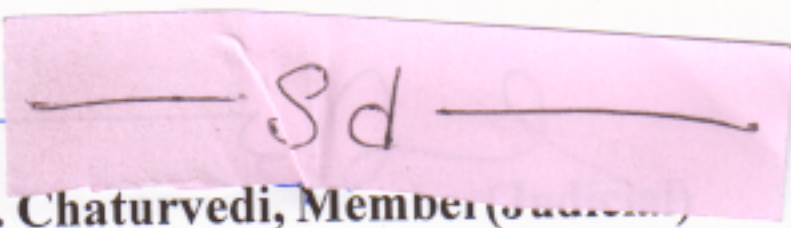
Having heard the submission of the learned counsel for the petitioner, we feel that although the reasons shown for seeking restoration does not appears to be sufficient and much convincing. Yet, in order to provide substantial justice to parties, a further conditional opportunity can be granted. Therefore, the petitioner is directed to issue a fresh notice to the respondent by serving an advance copy of the present Company Petition, such notice to be issued within four weeks. Further the petitioner shall pay a cost of Rs. 10,000/- to

the High Court, Legal Aid Society of Hon'ble Allahabad High Court on furnishing proof of payment of cost. The present petition will deem to be restored in the original file.

The matter be listed on 15th December, 2017.

Date: 06/11/2017

Typed by
Jyoti


H.P. Chaturvedi, Member (Judicial)