

IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH

T.P. No.80/ 2017 IN CP 205/2016

UNDER SECTION 433(e) & (f) OF CA 1956.

IN THE MATTER OF EXXONMOBIL LUBRICANTS PVT. LTD.
AND
WILWORTH EARTH MOVERS PRIVATE LIMITED

Coram: Hon'ble Shri.Ratakonda Murali, Member Judicial.

Hon'ble Dr. Ashok Kumar Mishra, Member Technical.

Order delivered on 22nd August, 2017

ORDER

Counsel for petitioner is present. Counsel for Respondent is also present.

I.A. No.103/2017 is filed by the Respondent Corporate Debtor in the main petition for setting aside the ex-parte order passed by this Tribunal on 6th March, 2017 on the ground that the applicant Corporate Debtor Company came to know about this matter on 6th March, 2017 only and by the time the Respondent Corporate Debtor approached the Tribunal, the Respondent was set ex-parte by order dated 6th March, 2017.

In the application, the applicant submits that if the ex-parte order dated 6th March, 2017 is set aside, no prejudice would be caused to the petitioner in the main petition and if the said order is not set aside great hardship would be caused to the Respondent Company. Hence, it is prayed that the order dated 6th March, 2017, placing the Respondent Company as ex-parte be set aside.

Counsel for the main petition has no objection if the order dated 6th March, 2017, placing the Respondent Company as ex-parte is set aside.

Hence, IA No.103/2017 is allowed. The order dated 6th March, 2017, placing the Respondent Company as ex-parte is set aside.


(ASHOK KUMAR MISHRA)
MEMBER (TECHNICAL)


(RATAKONDA MURALI)
MEMBER (JUDICIAL)