

IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI
COURT NO.III

CA-(CAA)-84(ND)/17

IN THE MATTER OF:

M/s. Aradhana Plaza (P) Ltd.

.....PETITIONER

Vs.

M/s. Madhu Viniyog (P) Ltd.

... Respondent

SECTION :

Under Section 230-232

Order delivered on 19.7.2017

Coram :

R. VARADHARAJAN,
Hon'ble Member (Judicial)

For the Petitioner/applicants : Mr. Milan Singh Negi, Advocate

For the Respondent : -

ORDER

This is an application which has been filed by the applicant seeking to set aside the order dated 05.7.2017 passed by this Tribunal and for the restoration of the petition/Application in CP No.CA-(CAA)-84(ND)/2017.

The main Company Application in CA-(CAA)-84(ND)/2017 was dismissed for non-prosecution by this Tribunal on 05.7.2017 after an opportunity being provided for the appearance of the petitioner earlier on 30.06.2017 as well, when the matter was listed. However, on both the dates i.e. 30.6.2017 & 05.7.2017, none appeared for the Applicant/Petitioner to prosecute the

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Petition in CA -(CAA)-84(ND)/17, this Tribunal was constrained to dismiss the petition for non-prosecution.

Presently, it is seen from the application filed by the applicant on 17.7.2017 that the Counsel for the applicant, due to accident and consequent injury suffered, was not in a position to attend the proceedings before this Tribunal on 05.7.2017 as submitted in paragraph-4 of the application seeking for restoration supported by an affidavit filed by the Counsel herself.

Since the Counsel for the applicant submits that due to accident as narrated in paragraph-4 of the application, she was not able to appear and in addition, the main Company Application, relates to the approval of the Scheme of Amalgamation, the restoration of which will not affect any party but on the other hand, will cause great prejudice to the Companies involved as well as its Shareholders & Creditors, this Tribunal is of the view that the application in CA No.07/C-III/ND/17, as prayed for, should be granted and that the order dated 05.7.2017 be set aside and that the Application in CA-(CAA)-84(ND)/17 be restored on to the file at the stage at which it was dismissed, however, subject to *Payment* of costs in a sum of Rs.5,000/- to be paid by the petitioner to the Prime Minister's National Relief Fund within a period of one week from today (19.7.2017). The main application is posted for hearing on 02.8.2017.

List on 02.8.2017.

Surjit
19.7.2017

Sd/-
(R. VARADHARAJAN)
MEMBER (JUDICIAL)