

**IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI
COURT-III**

(IB)-283/(ND)/2017

In the matter of :

M/s. Canon India (P) Limited

...PETITIONER

Vs.

Tulip Telecom Limited

..RESPONDENT

SECTION :

Under Section 9 of IBC Code, 2016

Order delivered on 25.10.2017

Coram :

**R. VARADHARAJAN,
Hon'ble Member (Judicial)**

For the Petitioner /Op. Creditor

: Ms. Shweta Bharti, Advocate
Mr. Nishant Gaurav, Advocate
Ms. Aditi, Advocate

For the Respondent/Corporate Debtor : -

ORDER

Learned Counsel for the applicant/petitioner is present. In CA No.62/C-III/ND/2017. It is represented by the Counsel that this is an application which has been filed for the restoration of the Company Petition which was dismissed by this Tribunal vide order dated 04.10.2017 for non-prosecution.

It is further represented by the Ld. Counsel for the petitioner that the said matter was supposed to be listed only on 09.10.2017, however, due to inadvertence, it has been listed on 03.10.2017 & 04.10.2017 and hence, in the circumstances, it was not possible for them to be present before this Tribunal.



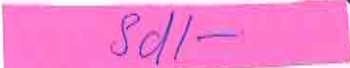
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From the perusal of the order sheet dated 18.9.2017, the matter was fixed for hearing on 09.10.2017 and in the intervening period, the applicant seems to have filed an application for substituted service which was posted for hearing on 03.10.2017 and had failed to appear and hence suffered order of dismissal which has led to application for restoration of the Company petition being filed.

Taking into consideration all the above aspects, the application in CA No.62/C-III/ND/2017 is allowed and the petition is restored to its original number to proceed further in the matter.

List on 06.11.2017.

Surjit
25.10.2017


(R. VARADHARAJAN)
MEMBER (JUDICIAL)