

IN THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH (COURT – II)
(Through Hybrid Mode)

Item No.101

IA(I.B.C)/530 (CH)2024, RST.A (IBC)/13(CH)2024
In
CP (IB) No. 141/Chd/Pb/2022
(Dismissed on 08.02.2024)

IN THE MATTER OF:

Chhote Lal Pandit

...

Petitioner

Under Section: 95, IBC 2016 and 60(5)

Order delivered on 03.07.2024

CORAM:

SHRI. SATYA RANJAN PRASAD,
HON'BLE MEMBER (T)

SHRI. P.S.N. PRASAD,
HON'BLE MEMBER (J)

PRESENT:

For the Petitioner : Mr. A.S. Likhari, Advocate

For the RP : Mr. Puru Gupta, Advocate

ORDER

RST.A(IBC)/13(CH)2024

Heard the submissions made by the counsel for the personal Guarantor. The counsel for the personal guarantor has invited the attention of this Adjudicating Authority to the order dated 08.02.2024, wherein it is recorded as under:-

“A date is requested by the proxy counsel for the petitioner. As the matter was listed yesterday and was posted for today and as the case pertaining to the year 2020, it seems that petitioner is not interested in pursuing the present petition. Thus, the same is dismissed for want of prosecution.”

Having considered the Restoration Application No.13/2024 and the contents therein this Adjudicating Authority is of the considered view that this

a matter which has been filed in the year 2022. Further, the matter was also not posted to the next date as it transpires from the daily order recorded in the matter. Therefore, it emerges that on 08.02.2024 the main CP was not fixed for hearing only IA No.12961/2023 was fixed. In compliance to the order dated 08.02.2024 further it transpires that the main case and the interim application were not concurrently listed for adjudication therefore, the present Restoration Application bearing RST.A(IBC)/13(CH)2024 is allowed and the order dated 08.02.2024 which dismissed the petition for want of prosecution is hereby recalled and the main matter is restored for further proceeding.

This order is dictated in the Open Court.

Counsel for the RP is also present at the time of passing of this order.

Thus, RST.A(IBC)/13(CH)2024 is allowed and the main petition bearing CP (IB) No.141/Chd/Pb/2022 is restored to its original number.

CP (IB) No.141/Chd/Pb/2022

In view of the order passed in RST.A(IBC)/13(CH)2024, let the main matter be listed for 08.08.2024.

IA(IBC)/530(CH)2024

The counsel for the petitioner has prayed for grant of leave to withdraw IA No.530/2024. Leave prayed for is granted. Thus, IA No.530/2024 stands dismissed as withdrawn.

Sd/-

**(SATYA RANJAN PRASAD)
HON'BLE MEMBER (T)**

Sd/-

**(DR. P.S.N. PRASAD)
HON'BLE MEMBER (J)**