

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 205
(IB)-223(ND)2020

IA-5164/2023, IA-5166/2023, IA- 1683/2024

IN THE MATTER OF:

M/s. D. Light Energy Private Limited ... Applicant/Petitioner

Versus

M/s. Benchmark Supply Chain Solution Private Limited ... Respondent

Under Section: 9 of IBC, 2016

Order delivered on 02.05.2024

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)

SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Mr. Arvind Nayar, Senior Adv., Mr. Aniket Gautam, Adv.,
Mr. Addtya Kapoor, Adv., Ms. Manika Goswamy, Adv.,
Mr. Siddharth Kurrichh, Adv., Adv. Akshay Joshi

For the Liquidator : Advocate Rajiv Malik, Advocate Ms Pratiksha Singh
and Advocate Ms Mansi Aggarwal, Mr. Mohit Kumar
Gupta Liquidator

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

IA-5164/2023 & IA-5166/2023: In terms of the order dated 19.02.2024 one last opportunity was granted to Respondents to file their reply within one week. On 20.03.2024, when the proceedings qua Respondent No. 1 were directed to be set as ex parte, the Respondent Nos. 2 & 3 were given further last opportunity to file their reply subject to payment of cost of Rs. 25,000/-. Though the Ld. Counsel for said Respondent Nos. 2 & 3 could screen share the receipt of payment of cost, but he sought further extension of time to file reply. The reason given by him for being not in a position to file reply is that the Registry is not co-operating with him. If such could be the reason, the Respondents could mention before this Tribunal on 19.02.2024 or on 20.03.2024. We cannot be oblivious of the fact that between 19.02.2024 and

20.03.2024 the said Respondents had 30 days' time to take required steps and from 20.03.2024 till today (02.05.2024) they had another 40 days' time to file reply. From the conduct of the Respondent Nos. 2 & 3 it is apparent that they are not interested in filing any reply and are just delaying the proceedings.

In the wake, their right to file reply is forfeited.

List on 05.06.2024.

IA-1683/2024: The Ld. Counsel for the Liquidator submitted that on account of pendency of the avoidance application and there being no decision taken in terms of the provisions of Regulation 44A of IBBI (Liquidation Process) Regulations, 2016, the period of liquidation process need to be extended by another 3 months. In view of the averments made in the application and the submissions put forth by the Ld. Counsel for the Liquidator **the IA is allowed** and the period of liquidation process is extended by 60 days.

The application stands disposed of.

Sd/-
(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)