

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

Item No. 227
CP-54/2023
IA-87/2024

IN THE MATTER OF:

Sh. Nisarg Harshad Vaghela & Anr. ... Applicant/Petitioner

Versus

M/s. NIHO Construction Ltd. & Ors. ... Respondent

Under Section: 59 of Companies Act

Order delivered on 10.05.2024

CORAM:

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

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

PRESENT:

For the Applicant : Adv. Vaibhav

For the Respondent : Adv. Varun Kahturia for R-1.

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

IA-87/2024: The prayer in the present application filed on behalf of the Respondent Nos. 2 & 3 is for setting aside the order dated 19.01.2024, in terms of which the proceedings qua them were set ex-parte. For the reasons stated in the application as also in the interest of justice, **the application is allowed.** Subject to payment of cost of Rs. 5,000/- to be paid to the Ld. Counsel for the Petitioner. Let the reply to the main petition i.e. CP-54/2023 be filed within one week. It would also be open to the Respondent No. 1 to file its reply within given time. Rejoinder, if any, may be filed before the next date of hearing.

Sd/-

**(SUBRATA KUMAR DASH)
MEMBER (T)**

Sd/-

**(ASHOK KUMAR BHARDWAJ)
MEMBER (J)**