

**DIVISION BENCH**

**ITEM NO.116**

**NATIONAL COMPANY LAW TRIBUNAL**

**ALLAHABAD BENCH**

**PRAYAGRAJ**

**IA No.30/2021, IA No.450/2023 IN CP (IB) No.325/ALD/2019**

**CORAM:**

- 1. SHRI PRAVEEN GUPTA,  
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,  
HON'BLE MEMBER (TECHNICAL)**

**Date of Order: 10<sup>th</sup> July, 2024**

**Attendance-Cum-Order Sheet of the Hearing.**

<b>NAME OF THE COMPANY</b>	<b>EXIM SCRIPS DEALERS PVT LTD V/S RATHI GRAPHIC TECHNOLOGIES LTD.</b>
<b>UNDER SECTION</b>	<b>7 IBC (RESOLUTION PLAN APPROVED)</b>

**COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:**

Sh. Amitabh Agarwal, Adv. : *For the Applicant/RP in IA No.30/2021,  
IA No.450/2023*

Sh. Vidhan Vyas alongwith : *For the Commercial Tax Department  
Sh. Syed Haider Shah & in IA No.450/2023  
Sh. Mayur Punjabi, Advs.*

**ORDER**

**IA No.450/2023**

- 1.** As per the previous order dated 20<sup>th</sup> May, 2024 vide para 3 & 4 it has been observed by this Adjudicating Authority that the reply on behalf of the non-applicant/respondent has not been filed.
- 2.** Ld. Counsel representing the erstwhile RP states that another copy of the application has been supplied to the Directors of the ex-Management by way of an e-mail, even a physical copy of the said application has been handed over to them.
- 3.** However no response is forthcoming. He further points out that even on the previous occasion i.e. on 19<sup>th</sup> April, 2024, as per para 2 it was

**-Sd-**

**-Sd-**

already observed that in case, if the reply was not filed the right to file reply would be struck off.

4. Ld. Counsel representing the non-applicant/respondent appears and seeks another opportunity to file reply. Keeping in view the fact that the repeated opportunities have already been granted to the non-applicant/respondents i.e. the Commissioner (Sales Tax) Bhiwadi, Alwar, Rajasthan, the right to file reply is struck off.
5. Ld. Counsel representing the erstwhile RP states that in view of the fact that the aforesaid Commercial Department has not released the premises of the Corporate Debtor, therefore, the Successful Resolution Applicant in whose favour the Resolution Plan has already been approved by the CoC and subsequently, by this Adjudicating Authority is not in a position to implement the same.
6. Let the matter be adjourned for further hearing on 25<sup>th</sup> July, 2024, to come up higher on the Board.

**IA No.30/2021**

1. In this case, the reply on behalf of the Directors of the Ex-Management has already been filed in the application under Sections 43,25(2)(j) & 60(5) of the Code.
2. Let the matter be adjourned for further hearing on 25<sup>th</sup> July, 2024, to come up higher on the board.

**-Sd-**  
**(Ashish Verma)**  
**Member (Technical)**

**-Sd-**  
**(Praveen Gupta)**  
**Member (Judicial)**

**10<sup>th</sup> July, 2024**

*Bipul Kumar Tiwari*  
*(Stenographer)*