

NATIONAL COMPANY LAW TRIBUNAL  
COURT-V, MUMBAI BENCH

105. RST.A /42/2024 C.P. (IB)/136(MB)2020

**IN THE MATTER OF**

Innovative Tech Pack Ltd

... Petitioner

Vs

Maharashtra Bio Fertilisers India Pvt Ltd

... Respondent

U/s 9 of the Insolvency and Bankruptcy Code, 2016

**Order Delivered on 12.07.2024**

CORAM:

MS. REETA KOHLI  
MEMBER (J)

MS. MADHU SINHA  
MEMBER (T)

**Appearance through VC/Physical/Hybrid Mode:**

For the Applicant: Adv. Shyam Kapadia (PH)

For the Respondent:

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**ORDER**

**RST.A /42/2024:-** The Ld. Counsel for the Applicant has submitted that vide order dated 15.04.2024, the present CP was disposed of as infructuous, in view of the fact that CIRP against the Respondent/CD was initiated in Court No. II in CP 867 of 2022. The Ld. Counsel further submitted that, subsequently on 09.05.2024, the parties of CP 867 of 2022 settled the dispute before the Hon'ble NCLAT. The Ld. Counsel has brought to our attention that on 15.04.2024, when the said CP was disposed of as infructuous there was already a stay order operating against the CIRP dated 08.04.2023, which fact was not brought before the notice of this Court by the Counsel for the Respondent No. 1. The bench has taken a serious note of the same. The Restoration Application is **allowed**. Let the Registry assign fresh restored number to the CP No. 136 of 2020.

**Notice of Motion:- Registry and Petitioner are directed to issue notice to the Respondent and to submit service report along with notice copy sent to Respondent, postal receipt, track report/acknowledgement at least seven days before the next date of hearing.**

Upon service, the Respondent is directed to file the reply at least seven days before the next date of hearing by serving an advance copy with the Counsel opposite. Adjourned to **22.08.2024**.

Sd/-  
MADHU SINHA  
Member (Technical)

Sd/-  
REETA KOHLI  
Member (Judicial)

// Avdhesh K Patel //