



- 2) Respondents are directed to file and place on record Affidavit in Replies, if they so desire, well before the adjourned date by duly serving copies to the other side well in advance, failing which, this Bench shall proceed further in the matter based on the materials available on record and verbal arguments on that date.
- 3) Parties are directed to complete the pleadings well before the adjourned date and be ready for Advancing their submissions. No further time will be afforded to either of the Parties for any Purpose. This shall be treated as last opportunity.
- 4) Stand over to 13.12.2023, for further consideration and hearing.

**IA 176/2022**

- 1) Mr. Piyush Joshi, Ld. Counsel for the Applicant and Mr. Aditya Sikka, Ld. Counsel for the Union of India are present.
- 2) Union of India has filed and placed on record Affidavit in Reply to the present Interlocutory Application. Applicant submits that they are filing Affidavit in Rejoinder in the present matter and thus prays that the matter be adjourned. The said submissions is noted.
- 3) Pleadings are complete and the matter is ripe for hearing. At request, stand over to 19.12.2023, for further consideration and hearing.

**CA 233/2021**

- 1) Mr. Aditya Sikka, Ld. Counsel for the Union of India is present.
- 2) At request, stand over to 19.12.2023, for further consideration and hearing.

**CA 391/2023**

- 1) Mr. Shyam Kapadia, Ld. Counsel for the Applicant and Mr. Aditya Sikka, Ld. Counsel for the Union of India and Mr. Shwetaank Nigam, Ld. Counsel for Claims Management Advisor are present. None present for Respondent No. 1, when the matter is called out.
- 2) Ld. Counsel for the Applicant submits that a copy of the Rejoinder has been filed and has also been served upon the other side; however, a copy of the same could not be uploaded on the DMS Portal, due to some technical issue.
- 3) Applicant has filed Hard Copies of the Rejoinder before the Bench and the same is taken on record. Applicant is directed to take steps to upload the copy of the Rejoinder on the DMS Portal also, whenever it is possible.
- 4) Applicant further submits that the Respondent No. 1, **Indo Enviro Integrated Solutions Limited**, till date has not filed and placed on record Affidavit in Reply.
- 5) Record reveals that the matter was listed on Board on 12.09.2023 on which date, none was present for Respondents, except Respondent No. 2 and this Bench directed Respondents to file and place on record Affidavit in Replies at least two days before the adjourned date by duly serving copies to the other side well in advance, and the matter was adjourned to 16.10.2023.
- 6) The above said order has been duly complied by the Respondent No. 2 only. Thereafter, on 16.10.2023, last opportunity was granted to Respondent No. 1 to file Affidavit in Reply, if they wish so, within one week; however, till

date, Respondent No. 1 neither chose to appear before the Bench nor has placed on record Affidavit in Reply.

- 7) Ld. Counsel for the Applicant herein has filed and placed on record Proof of Service, by way of an E-mail dt. 01.08.2023, (addressed to [preeti.panthri@indoenviro.com](mailto:preeti.panthri@indoenviro.com)). This Bench is also considering the facts of the Judgment of the Hon'ble National Company Law Appellate Tribunal in the case of ***Rajnish Gupta...vs...Union Bank of India and Another*** passed in Company Appeal (AT) Insolvency No. 351 of 2021, wherein the service by Email on the registered Email ID and also on the Email ID of the Appellant is held sufficient in the eyes of law.
- 8) In that view of the matter, after taking note of the fact that in spite of granting opportunities, Respondent No.1 chose not to appear and file their Say in the present matter and also taking into consideration the judgment of the Hon'ble Appellate Court cited (*Supra*), this Bench observed that the Respondent No. 1 is duly served by way of an Email and the said Service is held sufficient in the eyes of law and further observes that the despite the service of Notice on Email ID, Respondent No. 1 till date neither choose to appear before the Bench nor has filed and placed on record Affidavit in Reply.
- 9) In that view of the matter, the present Company Application against the Respondent No. 1, is thus proceeded *ex parte*.
- 10) Stand over to 02.01.2024, for further consideration and hearing.

**CA 93/2021**

- 1) Mr. Aditya Sikka, Ld. Counsel for the Union of India is present.
- 2) The matter is wrongly on Board today as the same is disposed of *vide* an order of this Bench dt. 06.11.2023. Hence, Registry is directed not to list this matter again on Board and the same be removed from Board.

**Sd/-**

**PRABHAT KUMAR  
MEMBER (TECHNICAL)**

**Sd/-**

**KULDIP KUMAR KAREER  
MEMBER (JUDICIAL)**

Vedant Kedare