

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH, COURT-II**

**26. Restoration Application/41/2023 in C.P. (IB)/3973(MB)2018**

**CORAM:**

**SHRI ANIL RAJ CHELLAN**  
**HON'BLE MEMBER (T)**

**SHRI KULDIP KUMAR KAREER**  
**HON'BLE MEMBER (J)**

**ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 03.05.2024**

**NAME OF THE PARTIES:- Restoration Application/41/2023 Ocs  
Group (India) Private Limited Vs.  
Mystical Construction Pvt Ltd  
IN THE MATTER OF  
Ocs Group (India) Pvt. Ltd.  
V/s  
Mystical Constructions Private  
Limited**

**Section: 60(5) U/s 9 of Insolvency and Bankruptcy Code, 2016**

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**ORDER**

**Restoration Application 41 of 2023:-** Counsel, Sandeep Sharma appeared for the Applicant. This Application has been filed by the Applicant seeking restoration of IA 1375 of 2022 which was dismissed in default vide order dated 22.06.2023 on account of nonappearance of the Applicant/Operational Creditor. It has been pointed out by the Counsel for the Applicant that IA 1375 of 2022 had been filed by the Operational Creditor against the Corporate Debtor as they did not adhere to the consent terms dated 22.07.2019 executed during the pendency of the CP(IB) 3973(MB)2018 filed u/s 9 of the IB Code, 2016. Perusal of the record reveals that on 22.06.2023 when the Application was dismissed, nobody has present on behalf of either of the parties.

The Application for restoration of IA 1375 of 2022 has been filed on 17.01.2022. It has been stated in the Application that absence of the Applicant on 22.06.2023 was not intentional but due to recording of incorrect date of the next date of hearing by the Counsel for the Applicant. Taking note of the submissions made by the Counsel for the Applicant and having considered the facts and circumstances of the case, we deem it fit and appropriate to allow the present Application with an order that IA 1375 of 2022 dismissed in default on 22.06.2023 shall stand restored to its original number. In view of the above order, **Restoration Application 41 of 2023 is allowed and disposed of.** Registry is directed to list **IA 1375 of 2022** on **20.06.2024**, Applicant is directed to issue notice to the Respondent/s in the said IA intimating the next date of hearing by all possible means (i.e. Speed Post, Email, etc.) and file affidavit of service enclosing therewith proof of service of notice along with a copy of the notice, at least two days before the next date of hearing.

**Sd/-**

**ANIL RAJ CHELLAN**  
**Member (Technical)**

*ANKIT*

**Sd/-**

**KULDIP KUMAR KAREER**  
**Member (Judicial)**