

**NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT – II
CHENNAI**

**ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL
COMPANY LAW TRIBUNAL, CHENNAI BENCH, HELD ON 22-07-2024 AT
11.30 A.M. THROUGH VIDEO CONFERENCING:**

**PRESENT : SHRI. JYOTI KUMAR TRIPATHI, HON'BLE MEMBER (JUDICIAL)
SHRI. RAVICHANDRAN RAMASAMY, HON'BLE MEMBER (TECHNICAL)**

IN THE MATTER OF : **Padmaadevi Sugars Ltd**

PETITION NUMBER : **CP/768/IB/2018**

APPLICATION NUMBER: a) **Rst.A(IBC)/19(CHE)/2023 in
IA(IBC)/46(CHE)/2022**
b) **IA(IBC)/1200(CHE)/2023 in
IA(IBC)/46(CHE)/2022**

ORDER

**1. a. Rst.A(IBC)/19(CHE)/2023 in IA(IBC)/46(CHE)/2022 IN
CP/768/IB/2018**

Ld. Counsel Ms. Rathi Devi for the Applicant. Ld. Counsel Ms. Elamathi for Ld. Liquidator. Ld. Liquidator is present in person.

This is an Application seeking to restore the Interlocutory application IA(IBC)/46(CHE)/2022 which was dismissed for non-prosecution vide order dated 21.10.2022.

The reasons for delay has been mentioned in para 7 and 8 of the application. It is submitted that Counsel for the Petitioner has attempted to communicate the dismissal of the petition and to get instructions in order to file the restoration application. The Petitioner was unavailable and since he belongs to Coimbatore, the Counsel for the Petitioner could not reach him apart from the mobile communication. Thereafter, the Counsel for the Petitioner came to know that since the Petitioner was physically and mentally unwell due to the sudden stuck up/loss with his business, he was unavailable for a certain period. Therefore, the Counsel for the Petitioner could not take any initiative in the said matter.

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In view of the above, delay is condoned and IA(IBC)/46(CHE)/2022 is restored.

Rst.A(IBC)/19(CHE)/2023 is allowed and is disposed off.

Applicant is directed to serve copy of the IA(IBC)/46(CHE)/2022 on the Liquidator.

In this case, Rejoinder be filed within 2 weeks.

List IA(IBC)/46(CHE)/2022 for hearing on **02.09.2024**.

1.b. IA(IBC)/1200(CHE)/2023 in IA(IBC)/46(CHE)/2022 IN CP/768/IB/2018

This application has been filed to condone the delay of 78 days in filing the restoration application Rst.A(IBC)/19(CHE)/2023.

The reasons for delay has been mentioned in para 7 and 8 of the application. It is submitted that Counsel for the Petitioner has attempted to communicate the dismissal of the petition and to get instructions in order to file the restoration application. The Petitioner was unavailable and since he belongs to Coimbatore, the Counsel for the Petitioner could not reach him apart from the mobile communication. Thereafter, the Counsel for the Petitioner came to know that since the Petitioner was physically and mentally unwell due to the sudden loss with his business, he was unavailable for a certain period. Therefore, the Counsel for the Petitioner could not take any initiative in the said matter.

In view of the above, delay is condoned and IA(IBC)/1200(CHE)/2023 is allowed and is disposed off.

Sd/-

RAVICHANDRAN RAMASAMY
Member (Technical)

Sd/-

JYOTI KUMAR TRIPATHI
Member (Judicial)