

**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 02-07-2024 AT 10.30 A.M. THROUGH VIDEO CONFERENCING:

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

APPLICATION NUMBER : IA(IBC)/1452(CHE)/2024

PETITION NUMBER : CP(IB)/66(CHE)/2024

NAME OF THE APPLICANT : Adam & Coal Resources Pvt Ltd

NAME OF THE RESPONDENT(S) : Nivaya Resources Pvt Ltd

UNDER SECTION : Rule 11 of NCLT Rules, 2016

ORDER

Ld. Counsel Mr. Rishi Nandhan for the Applicant. Ld. Counsel Mr. K. Annamalai for the Respondent.

This is an Application seeking condonation of delay of 21 days in filing the reply in CP(IB)/66(CHE)/2024. The reasons for delay is given at para 3 which is reproduced below:

"On 08.05.2024, the undersigned met the counsel and handed over the papers, who, upon reviewing the documents, asked for further information to prepare the reply. It is further submitted since the Hon'ble Madras High Court was closed during May 2024 due to summer vacations, the Applicant's Counsel went on a vacation and returned to office on 25.05.2024. The undersigned met counsel and handed the further documents sought by him on 28.05.2024. Upon reviewing the document, our counsel circulated the draft for approval on 02.06.2024, and the final version of the reply was made on 06.06.2024, and the undersigned signed the same on the day, which was submitted through e-filing on 07.06.2024. It is submitted that in the process, there has been a delay of 21 days in filing the reply. It is submitted that the delay in filing the reply is due to aforesaid bonafide reason and is neither wilful nor wanton. It is submitted that if the aforesaid delay of 21 days is not condoned, the Applicant would be put to irreparable loss and injury, which cannot be compensated in monetary terms as the right to contest the application, which is not at maintainable, would be lost."

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In view of the above delay is condoned. Reply be taken on record.
IA(IBC)/1452(CHE)/2024 is disposed off.

Counsel for the Petitioner sought time to file rejoinder. 2 weeks time allowed.

List CP(IB)/66(CHE)/2024 for hearing on 27.08.2024.

Sd/-

RAVICHANDRAN RAMASAMY
Member (Technical)

Sd/-

JYOTI KUMAR TRIPATHI
Member (Judicial)

phk