

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT – IV

ITEM No.413
IA/44/ND/2022, IA/125/ND/2022
IN
CP/41/ND/2021

IN THE MATTER OF:

Tarun Bagga	...	Applicant
Versus		
Padmakriti Creations Private Limited.	...	Respondent

Order under Section 241(1)

Order delivered on 22.09.2022

Coram:

MR. DHARMINDER SINGH
HON'BLE MEMBER (JUDICIAL)

DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant	: Prateek Gupta for Applicant in I.A No. 125/2022.
For the Respondent	: Abhishek Singh, J. Amal Anand, Alisha Sharma and Elvin Joshy for the Respondents

ORDER

IA/44/ND/2022

This application has been filed on behalf of the respondent for seeking modification in order dated 08.02.2021. Vide order dated 25.04.2022, two weeks time was given to file the reply, but the reply has not been filed. Vide order dated 25.04.2022, two weeks time was given to file the reply and it was made clear that, if the reply was not file within two weeks, the right shall stands closed.

Thereafter, the matter was adjourned for 06.07.2022, due to paucity of time, the matter could not be taken up on 06.07.2022 and the same was adjourned for 03.08.2022, the same position was on 03.08.2022 and the matter was adjourned to 22.09.2022 i.e. today. Till date the reply has not been filed, though on behalf of the respondent, Mr. Tarun Bagga, stated that he wants to file the reply. Apparently, more than 5 months have been passed, but the reply has not been filed. Therefore, the right to file the reply

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but the reply has not been filed. Therefore, the right to file the reply in the present application stands closed, in view of the order dated 25.04.2022.

IA/125/ND/2022

This application has been filed on behalf of the Daimler Financial Services India Pvt. Ltd.

In the present application, the notice was issued on 10.06.2022. Mr. Abhishek Singh, Ld. Counsel for the Respondent Nos. 1 & 3 appeared and accepted the notice and stated that he does not want to file the reply in this application and he supports this application.

So far as, the Respondent No. 2 is concerned. Ld. counsel for the Respondent No. 2 sought adjournment for filing the reply. Mr. Dhananjay Grower, has stated that some other counsel was appearing in the present application, as he has just now engaged in the present matter. Apparently, more than 3 months have been passed, but the reply has not been filed. In the interest of justice, one more opportunity is being given to file the reply on behalf of the Respondent No. 2.

Let the reply be filed within 7 days, subject to cost of Rs. 10,000/- to be deposited with the Prime Minister Care Relief Fund. It is made clear that, if the reply is not filed the right shall stand closed and no further opportunity should be given, whatsoever, reason is there.

Rejoinder, if any, be filed within 7 days thereafter, if not filed the right shall stand closed.

Let both these applications be fixed for arguments on **10.11.2022.**

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**DR. BINOD KUMAR SINHA
MEMBER (TECHNICAL)**

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**DHARMINDER SINGH
MEMBER (JUDICIAL)**