

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI

COURT-VI

Item No. 607
IB-774/ND/2021

IN THE MATTER OF:

M/s. Pile Foundations Company

...PETITIONER

Vs.

M/s. Brahmaputra Infrastructure Ltd.

...RESPONDENT

Section

U/s 9 of IB Code, 2016

Order delivered on 26.09.2022
(Virtual Hearing)

Coram:

SHRI P.S.N. PRASAD, HON'BLE MEMBER (JUDICIAL)

SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

For the Petitioner/Operational Creditor :

For the Respondent/Corporate Debtor :

ORDER

Heard the submissions made by the Counsel for the Operational Creditor. This petition was dismissed after giving several opportunities and Petitioner's Counsel has today informed that Petitioner has passed away, therefore he has no further instructions to continue with the matter. Hence, the cost should be waived. We do not find it a submission on merit. The Counsel for the Petitioner should have informed the Court the moment he came to know the death of the Petitioner and should have been taken all necessary steps either to bring on record or to withdraw the petition. Since the Petitioner's Counsel has done either of the two, the petition was dismissed with the direction to pay the cost. In this case especially where the Counsel was not showing adequate interest to make appropriate submission before the Court and Court's time was

(Mohit)



unnecessarily spent on this matter. Therefore, we are not inclined to reduce cost. However, since the Petitioner's Counsel has made a submission to reduce the cost, the Cost is reduced by Rs.500/- and he is directed to pay Rs.4,500/- as cost. Let this matter be posted after ten days and let the Counsel for the Petitioner file compliance affidavit so as to enable the Tribunal to take the same on record and close the matter in all respects. List this matter on 06.10.2022.

—Sel—

(Rahul Bhatnagar)
Member (T)

—ScI—

(P.S.N Prasad)
Member (J)