

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

Item No. 10

New IA/1354/ND/2023 in IB/597/ND/2022

IN THE MATTER OF:

RelineeuropeGmbh	...	Applicant
Versus		
KKSPUN India Limited	...	Respondent

Order under Section 9 of IBC, 2016.

Order delivered on 09.03.2023

Coram:

**MR. ASHOK KUMAR BHARDWAJ,
HON'BLE MEMBER (JUDICIAL)
DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the Applicant : Mr. D. Bhattacharya, Adv.
For the Respondent : Mr. Anindit Mandal, Adv
For the CoC : Mr. Vinay Kumar Gupta, Adv.

ORDER

New IA/1354/ND/2023

This is an application filed for recalling the order dated 23.09.2022. The order dated 23.09.2022 reads as under :-

“Mr. Darsh Bansal, Advocate has appeared on behalf of the respondent and sought adjournment for filing the reply. Already vide order dated 12.08.2022, it was being cleared that reply be filed within fourteen days on receipt of the notice. The notice has been received on 22.08.2022 by email and on 30.08.2022 by speed post. Despite that, the reply has not been filed. In the interest of justice, one opportunity is being granted to file the reply subject to payment of Rs.10,000/- to be deposited in the Prime Minister Relief Fund. It is being cleared that if the reply is not filed within 10 days, the right to file reply shall stand closed. On receipt of the reply, rejoinder, if any be filed within seven days, failing which, the right to file rejoinder shall stand closed.

*Let the matter be fixed for completion of pleadings and arguments on **16.11.2022.**”*

The Section 9 of Insolvency & Bankruptcy Code, 2016 does not provide for issuance of notice or grant any opportunity to the Corporate Debtor to file reply, nevertheless, in the interest of natural justice the notice is issued to the Corporate Debtor and opportunity is given to it to file reply

in its defence, if any. In the present case, the opportunity was fairly granted to the Corporate Debtor, which was not availed, even when the period for filing reply was extended subject to payment of costs. We do not find any justification to recall the order dated 23.09.2022. IA is accordingly dismissed.

Main matter be fixed for 23.03.2023.

Sd/-
DR. BINOD KUMAR SINHA
MEMBER (TECHNICAL)

Mukesh

Sd/-
ASHOK KUMAR BHARDWAJ
MEMBER (JUDICIAL)