

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

ITEM No. 413

CA/443/ND/2022 in CP(CAA)107/ND/2022

IN THE MATTER OF:

D M Foods Pvt Ltd And
And

...

Applicant

Lapisco Distributors Pvt Ltd And R R Vinimay
Pvt Ltd

Order under Section 230-232.

Order delivered on 01.12.2022

Coram:

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

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

PRESENT:

For the Applicant : Mr. Afnaan Siddiqui, Ms. Saral Sharma, Adv.

For the OL : Ms. Hemlata Rawat, Adv.

ORDER

This is a joint application filed on behalf of the petitioners under Rule 11 read with Regulation 32 of NCLT Rules, 2016 seeking condonation of delay in filing the Second Motion Application. We have heard the submissions made by the Counsel for the petitioners. The Second Motion Petition shall be filed within seven days from the date of receipt of the certified copy of the First Motion Petition order. For the reasons stated in the application as well as for the other reasons explained orally by the Counsel, having approved the First Motion Petition on 17.12.2021, if the Second Motion of the Petition is not approved, it will defeat the purpose of passing an order in the First Motion and it is not in consonance with principles of justice and fair play. Therefore, the present application is allowed, subject to payment of costs of Rs. 25,000/- to be paid to Government of India through Bharat Kosh.

The present delay condonation application is allowed. The Second Motion Petition may be listed on compliance of the order.

Let the matter be fixed for 08.12.2022.

-Sd-

DR. BINOD KUMAR SINHA
MEMBER (TECHNICAL)

Mukesh

-Sd-

P.S.N. PRASAD
MEMBER (JUDICIAL)