

DIVISION BENCH

ITEM NO.103

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

IA No.07/2024 IN CP (IB) No.13/ALD/2021

CORAM:

**1. SHRI PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**

**2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 20th February, 2024

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	ABB INDIA LTD V/S DEE CONTROL & ELECTRIC PVT LTD
UNDER SECTION	9 IBC

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Sh. Rohit Shukla & Sh. Mishal Vij, Advs. : *For the Operational Creditor*

Sh. Aman Kumar Dwivedi, Adv. : *For the Corporate Debtor
& Applicant in IA No.07.2024*

ORDER

IA No.07/2024

Ld. Counsels representing the parties are present through VC.

1. This application has been filed for recalling of the order dated 31.10.2023 passed by this Adjudicating Authority, whereby *vide* para nos.2, 3 & 4, the following observations were made :-

2. However, despite the aforesaid order dated 17.07.2023, there is no reply filed so far, nor there is any representation today on behalf of the Respondent/ Corporate Debtor.

3. Since, as per the previous order vide para no.3, it was made clear that in case the reply is not filed within a period of one week, the right to file reply would be struck off. The right to file reply was however permitted only subject to the payment of cost of Rs.10,000/-. It is informed by the Registry that there is no communication received from the Corporate Debtor with respect to the payment of cost, nor any reply has been received from them.

-Sd-

-Sd-

4. In view of the observations made in the aforesaid order dated 17.07.2023, the Corporate Debtor has failed to file the reply within a period of one week, and therefore, the right to file reply on behalf of the Corporate Debtor is hereby struck off.

2. It is an admitted case of Respondent/ Corporate Debtor that the cost, which was required to be paid has not been paid despite passing of the order dated 31.10.2023 itself. We therefore find no reason to interfere in the order dated 31.10.2023 and the present application is therefore dismissed being devoid of merits. However, the Ld. Counsel representing the Corporate Debtor would be at liberty to make his oral submissions on the next date of hearing.
3. Let the matter be adjourned for final hearing on 20th March, 2024.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

20th February, 2024

Kavya Prakash Srivastava
(Stenographer)