

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
COURT - 2

Item No.217 – Rst. A. 05 of 2022
In
CP(IB) 238 of 2020

Proceedings under Section 9 IBC

IN THE MATTER OF:

Suryansh Merchandise India Ltd
V/s
Gujarat Ambuja Exports Ltd

.....Applicant

.....Respondent

Order delivered on 20/01/2023

Coram:

Dr. Deepti Mukesh, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Pranav Thakkar, Adv.
For the Respondent : Mr. Vishal Dave, Adv. a.w. Ms. Pragati Tiwari, Adv.

ORDER

Application is heard on 04.08.2022 which was strongly objected by the Learned Counsel Mr. Dave for the Corporate Debtor on the same day. Thereafter, matter has been appearing and copies of judgments are filed by both sides. Last two dates, matter could not be reached due to paucity of time. Today, none appears for the applicant. Learned Counsel for Corporate Debtor states that restoration application is filed much beyond limitation period. Order dismissing the main application was passed on 02.12.2021 and this application is filed on 02.06.2022. Order dated 02.12.2021 records as under:

“None had appeared on that day. It is further seen that on 27.07.2021, 7 days’ time was given to upload the documents on e-portal. Further on 04.10.2021, also none appeared for the applicant. Even today, no documents are uploaded on behalf of the applicant. Copy of reply is filed which has come on record of e-portal. Last chance was given to the applicant to complete e-filing within three days from 23.11.2021 failing which application will be considered for dismissal”.

In the meantime, Learned Counsel Mr. Trivedi for the applicant appeared and states that order may not be passed as he is not well. As a last chance, list on 14.02.2023

-Sd-

**AJAI DAS MEHROTRA
MEMBER (TECHNICAL)**

-Sd-

**DR. DEEPTI MUKESH
MEMBER (JUDICIAL)**