

**NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH**  
**COURT III**

12. RST.A 15/2024  
IN  
C.P. (IB)-113(MB)/2020

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)  
SH. CHARANJEET SINGH GULATI, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL  
COMPANY LAW TRIBUNAL ON **02.04.2024**

NAME OF THE PARTIES: Dormakaba India Pvt Ltd

VS

Sheth Developers Pvt Ltd.

SECTION 9 OF IBC, 2016

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**ORDER**

**HEARING THROUGH: VC AND PHYSICAL (HYBRID) MODE**

Adv. Almira Lasarado i/b Legis Law Practice for the Applicant in RST. A.  
15/2024 and Adv. Vikramaditya Deshmukh for Corporate Debtor are present.

**RST.A 15/2024**

1. The above Restoration Application has been filed by Operational Creditor seeking restoration of the C.P. (IB)-113(MB)/2020. Ld. counsel for the Applicant has tendered the order dated 17.10.2023 passed by Hon'ble NCLAT wherein Hon'ble NCLAT has remanded back the matter to this Adjudicating Authority is following terms:

*“6. Consequently, the present appeal is hereby allowed and the impugned order is set-aside. The matter is remanded back to the Adjudicating Authority to decide again after taking into consideration all the aforesaid emails particularly dated 11.12.2013 and 06.08.2015. It is made clear that we have not made any observation or recorded findings on the merit of the case and everything is kept open for Adjudicating Authority to consider and decide. The parties are directed to appear before Adjudicating Authority on 20<sup>th</sup> November, 2023.”*

2. After hearing the submissions and going through the averments and order of Hon'ble NCLAT, the above Restoration Application is allowed and C.P. (IB)-113(MB)/2020 is restored.
3. List this matter on **15.05.2024** for final hearing.

Sd/-  
CHARANJEET SINGH GULATI  
Member (Technical)  
/RKS/

Sd/-  
LAKSHMI GURUNG  
Member (Judicial)