

NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH

Item No. 44

RST.A (CA)/6/2024 In CP/2879(MB)2018

CORAM:

SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON 18.04.2024

NAME OF THE PARTIES: **MEHOOL N. BHUVA V/s INDO-NIPPON**
CHEMICAL COMPANY LIMITED

Section 271-273 of the Companies Act, 2013

ORDER

Restoration Application (CA)6/2024 –

1. Ms. Pooja Batra, Advocate i/b Akshar Law appeared for the Applicant.
2. Mr. Bharat Jain, Advocate a/w Mr. Abhishek Dubey, Advocate i/b M/s. Economic Laws Practice appeared on behalf of the Respondent nos. 1, 3 to 7.
3. The present Restoration Application has been filed by one Mr. Mehool N. Buva, the Shareholder of Indo-Nippon Chemicals Company Ltd., who is the Petitioner in the main Company Petition.
4. It is submitted that previously the Company Petition bearing CP No. 2879 of 2018, was filed under Section 271-273 of the Companies Act, 2013 for winding up of the Respondent Company on the various grounds.
5. It is submitted that due to some inadvertent circumstances and pre-occupations, the Counsel of the Petitioner could not appear as he was pre-occupied before the Hon'ble High court.

6. The Applicant submits that the Applicant had to go urgently to Vadodara on 30.08.2023 and he came to Mumbai on 31.08.2023 in the night and he could not remain present nor his counsel was present due to being pre-occupied in a matter.
7. It is further submitted that the Company Petition bearing CP No. 2879 of 2018, was listed on Board on 31.08.02023, on which date, the Company Petition was dismissed for want of prosecution. The Order dt. 31.08.2023, is quoted below for the convenience.

“Mr. Abishek Dubey Ld. Counsel appearing for the Respondent no's 14 and 15 is present. None present for the Applicant today when the matter is called out. On perusal of the record, it is revealed that despite affording various opportunities and listing the matter on Board for several times, the Applicant did not appear before this Bench. From the Continuous absence on the part of the Applicant, this Bench observed that the Applicant is no more interested to prosecute the matter further. Hence, the Company Petition is dismissed for non-prosecution.”

8. However, the Applicant submits that to take the matter to its logical conclusion and to revive the Company petition, now, Akshar Law firm of Advocate has been appointed to represent the matter before the Adjudicating Authority.
9. Hence the present Restoration Application has been filed for restoration of the Company Petition bearing CP No. 2879 of 2018.
10. Having considered the submissions and also taking note of the facts and circumstances, this Bench deems it fit and appropriate to allow the present Application. Accordingly, this Bench allows the present Interlocutory Application thereby restoring the main Company Petition.
11. It is to be noted that the main Company Petition bearing **CP No. 2879 of 2018**, is now being ordered to be restored on the file of **Court Room No. 1, National Company Law Tribunal, Mumbai Bench**; hence, Registry

shall expedite all the necessary steps regarding restoration of the main Company Petition. Registry is further directed to list the main Company Petition on Board on **19.06.2024**, for further consideration and hearing.

12. Petitioner herein is directed to issue Notice to the Corporate Debtor clearly intimating the next date of hearing by all available means (i.e. Speed Post, E-mail, etc.) and to place on record Affidavit of Service well before the adjourned date.

13. With the aforesaid observations and directions, the Restoration Application bearing **RA No. 6/2024**, is **allowed** and **disposed of**.

14. There would however be no order as to costs. Ordered Accordingly.

Sd/-
PRABHAT KUMAR
MEMBER (TECHNICAL)

Sd/-
JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)

Sapna