

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

**Item No. 5**

**RST.A (IBC)/ 24(MB)2022 IN C.P. (IB)/714(MB)2019**

**CORAM:**

**SHRI SANJIV DUTT**  
**HON'BLE MEMBER (TECHNICAL)**

**SHRI K. R. SAJI KUMAR**  
**HON'BLE MEMBER (JUDICIAL)**

ORDER SHEET OF HEARING (HYBRID) DATED **05.02.2024**

NAME OF THE PARTIES : **Mulraj Mody**

**Vs**

**Westin Developers Pvt. Ltd.**

**For FC** : Adv. Niraj Shah.

**For CD** : None present.

**Section 7 of IBC**

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**ORDER**

**RST.A 24/2022**

1. Heard Counsel for applicant. The CP 714/2019 was disposed of *vide* IA 845/2022 on 31.03.2022 by Court II of this Tribunal. On the basis of settlement agreement between the parties, the CD issued some post-dated cheques. However, all the cheques provided to the applicant by the CD were dishonored on different dates. The CD had handed over cheque for Rs. 15,00,000/- on 15.01.2024. However, the cheque for Rs. 45,0,000/- given by the CD has now been dishonored.
2. In the consent terms entered into between the parties dtd. 18.02.2022, it was agreed for revival of CP 714/2019 in the event of failure of consent terms, based on which the order dtd. 31.03.2022 was passed.

3. Now, the applicant, who is the original FC prays leave of this Tribunal to restore the main CP as there was failure of consent terms. In view of the above, we need to hear the CD (respondent) before restoring the CP to file.
4. There is no representation for CD today. However, we understood that notice has not been served on the CD due to insufficient address. Hence, issue fresh notice. The FC is also allowed to take out notice.
5. For return of notice list on **21.02.2024**.

**Sd/-**  
**SANJIV DUTT**  
**MEMBER (TECHNICAL)**

//JNK//

**Sd/-**  
**K. R. SAJI KUMAR**  
**MEMBER (JUDICIAL)**