

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

COURT – IV

24.

IA-179/2023 IN C.P. (IB)/696(MB)2020

CORAM:

SHRI PRABHAT KUMAR
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **17.01.2023**

NAME OF THE PARTIES:

High Ground Enterprise Limited

Vs.

Swastik Productions Private Limited

SECTION: 9 OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016. Rule 11 of NCLT, 2016.

ORDER

The Court is convened through Video Conference.

1. Mr. Abhishek Singh a/w J. Amal Anand, Insha Mushtaq, Elvin Joshy, Alisha Sharma, Ld. Counsel for the Operational Creditor present. Mr. Ashish Kamat a/w Ms. Prerana Wagh i/b M/s Crawford Bayley & Co., Ld. Counsel for the Applicant present.
2. **IA-179/2023** : This is an Application filed by the Applicant/Corporate Debtor for setting aside the order dated 24.11.2022 by which the Applicant was set *ex-parte*.
3. The Corporate Debtor has appeared before this Court and sought opportunity to file reply by setting aside order dated 24.11.2022. On persual of the daily order, it is seen that the party was set *ex-parte* vide order dated 10.08.2022 and not vide order dated 24.11.2022. This Bench consider that this is bonafide error committed by the Applicant in stating the date of the order. In the interest of justice, this error is *sou moto* rectified

by this Court and the order dated 10.08.2022 is recalled in view of the prayer in the application.

4. Counsel for the Corporate Debtor is directed to file reply in main company petition with a copy served upon the other side within seven days of this order. The Operational Creditor is granted liberty to the file rejoinder, if any, within three days after receipt of the reply.
5. List this matter for further consideration on **30.01.2023**.

Sd/-
PRABHAT KUMAR
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)