

NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

206. IA/5237/2023 IN C.P. (IB)/909(MB)2020

IN THE MATTER OF

Ebony Estates Private Limited

VS

Grohealthy India Agrotech Private Limited

Section 7 of the Insolvency & Bankruptcy Code, 2016

Order Delivered on 23.04.2024

CORAM:

MS. REETA KOHLI
MEMBER (J)

MS. MADHU SINHA
MEMBER (T)

Appearance through VC/Physical/Hybrid Mode:

For the Applicant:

Adv. Yahya Batatawala (PH)

For the Respondent No. 3 in IA/5237/2023:

Mr. Viraj Parikh (PH)

For the Respondent No. 1 & 2 in IA/5237/2023:

Nithish Bangera (VC)

ORDER

I.A. 5237/2023

Vide order dated 18.03.2024, the cost of Rs. 30,000/- was imposed on the respondent no. 1 and 2 for not filing the reply. The representative of respondent no. 1 and 2 submits that the cost imposed has already been deposited on 29.03.2024 and after that they have filed the reply to the present application. It is further submitted that an application for setting aside the ex-parte order has been filed which is not yet listed. The Ld. Counsel for the respondent submits that it is merely a delaying tactics on the part of respondent no. 1 and 2.

After having heard the submissions of the parties we deem it appropriate at this stage to set aside the ex-parte order in view of the fact that the cost imposed on respondent no. 1 and 2 has already been deposited and the reply has already been filed. The reply of respondent no. 1 and 2 is taken on record.

Heard. All the parties have advanced their arguments. While concluding, the Ld. Counsel for the applicant submits that the rights issue shares of Grohealthy Processors Pvt. Ltd. were transferred to respondent no. 1 and 2 whereas the Ld. Representative of respondent no. 1 and 2 vehemently denies the said fact. In view of the same, the Ld. Counsel for the applicant prays for short adjournment so as to place on record an affidavit giving the correct factual position.

In view of the request made, adjourned to **30.04.2024**. All the parties are directed to tender their written submission on the next date.

Sd/-
MADHU SINHA
Member (Technical)
Shubham

Sd/-
REETA KOHLI
Member (Judicial)