

NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH
COURT VI

Item No. 2

C.P. (IB)/4287(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 **29.04.2024**

NAME OF THE PARTIES : **Nagpur Nagarik Sahakari Bank Ltd**
Vs
Vidarbha Suagar Mills Pvt Ltd

For FC : Adv. Praful V i/b Adv. Amir Arsiwala.

For CD : Adv Ashwini Chindarkar i/b Adv Amit Tungare.

Section 7 of IBC

ORDER

1. Counsel for CD submits that the order dated 27.02.2024 states as under:-

Adv. Ashwini Chindarkar appears on behalf of the Respondent prays for time to file reply. Vide order dated 07.09.2023, cost of Rs. 25,000/- was imposed upon the Respondent. Despite that, no reply has been filed. On 31.10.2023, additional cost of Rs. 35,000/- was imposed, still no reply was filed. Last opportunity was granted vide order 05.12.2023 & 13.12.2023. Despite all these indulgences, the Respondents have not filed any reply. Today again, the time is being sought for filing reply. Let the reply be filed after depositing cost

of Rs. 2 lacs to “Bharatkosh” by serving an advance copy on the Counsel opposite, or otherwise, the matter shall be decided in the absence of any reply. Adjourned to 05.03.2024.”

2. According to him the above order denotes that in the event non-payment of Rs.2,00,000/- as cost the matter would be decided in the absence of any reply. Counsel for CD submits that his client admits the debt, liability and default and prays that the C.P. be decided on merits.
3. Since the default is admitted and the CD does not have any further to submit the application will be heard on merits. Meanwhile, the OC is directed to physically carry out the amendments in Part-IV of the application as allowed *vide* order dated 07.09.2023 in IA 2824/2023.
4. **List on 17.05.2024 for report on amendment / further consideration.**

Sd/-
SANJIV DUTT
MEMBER (TECHNICAL)

JNK

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