

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH

COURT III

101. I.A. 527/2024
In
C.P.(IB)-82(MB)/2023

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)
SH. CHARANJEET SINGH GULATI, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **04.04.2024**

NAME OF THE PARTIES: ESDEC India Solar Private Limited

VS

Swikriti Renewables Private Ltd (OPC)

Appearances:

For Petitioner : Adv. Navankar Pathak i/b. Saikrishna & Associates

For Respondent : Adv. Amit Tungare

SECTION 9 OF IBC, 2016

ORDER

Hearing Through: Virtually and Physical (Hybrid) Mode

I.A. 527/2024

This application has been filed by the applicant, M/s. Swikriti Renewables Pvt Ltd seeking recall order dated 8th August 2023 and consequently allow the reply to be taken on record.

Heard the Ld. counsel for applicant. We note that the reply was notarised on 29.03.2023 and the advance copy of the reply was also served on the respondent which is not denied by the counsel for respondent. Ld. counsel submits reply could not be uploaded due to various reasons including on account of wrong email id given by the petitioner, non generation of security

code, wrong order uploaded etc. Even though the CD is able to prove that reply was ready in March 2023, we are not satisfied with the sufficient cause for delay of more than one year in filing the reply.

In view of the same, we are inclined to condone the delay subject to a cost of Rs. 25,000/- to be paid online to the Consolidation Fund of India through Bharat Kosh. IA is **allowed** and stands **disposed of**. Registry is directed to take the reply on record.

Ld. counsel for petitioner has perused the reply and submits that there are certain points which are to be refuted by way of rejoinder. Let the same be done within two weeks after serving copy to the other side. List on **15.05.2024**.

Sd/-
CHARANJEET SINGH GULATI
Member (Technical)
---Rajeev---

Sd/-
LAKSHMI GURUNG
Member (Judicial)