

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH, COURT-II**

**37. Restoration Application/11/2024 In C.P. (IB)/996(MB)2023**

**CORAM:**

**SHRI ANIL RAJ CHELLAN**  
**HON'BLE MEMBER (T)**

**SHRI KULDIP KUMAR KAREER**  
**HON'BLE MEMBER (J)**

**ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 23.04.2024**

**NAME OF THE PARTIES: - Advanced Computers and Mobiles  
India private Limited  
V/s  
Parveen Iqbal Parekh  
IN THE MATTER OF  
Advanced Computers and Mobiles  
India Private Limited  
V/s  
Parveen Iqbal Parekh**

**Section: Rule 11 of NCLT, 2016 U/s 95(1) of (IBC)**

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**ORDER**

**Restoration Application/11/2024**: - Adv. Rita Yadav appeared for the Applicant. This IA has been filed by the Applicant (Petitioner in CP.(IB)/996(MB)2023 under Section 95 of the IB Code, 2016), which was dismissed in default for non-appearance of the Petitioner on 16.01.2024.

Notice of Restoration Application was given to the Respondent which has been duly served as can be manifested from the track consignment report available on record, but none has appeared on behalf of the Respondent/Personal guarantor to contest this application.

We have heard the counsel for the Petitioner. It has been argued on behalf of the counsel for the applicant that due to some mis-giving of the

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next date of hearing, the counsel for the Petitioner could not appear in court on 16.01.2024, resulting in the dismissing of the Petition. Keeping in view the cardinal principal, nobody will be condemned unheard and as far as possible, the case should be decided on merits, we deem it appropriate to allow this application and restore the CP.(IB)/996(MB)2023. The **Restoration Application No.11/ 2024 is accordingly allowed and CP.(IB)/996(MB)2023 is restored to its original number.** Let the CP be listed on **14.06.2024 for further hearing.**

**Sd/-**  
**ANIL RAJ CHELLAN**  
**Member (Technical)**  
*JAGDISH*

**Sd/-**  
**KULDIP KUMAR KAREER**  
**Member (Judicial)**