

**IN THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH, BENGALURU
(Through web-based video conferencing platform)**

**ITEM No.16
CA No. 73, 74 & 75/2024 in
CP No.04/BB/2021**

IN THE MATTER OF:

M/s. Mantri Developers Private Limited
And another ... Petitioner
Vs
M/s. Tarun Relators Private Limited and others ... Respondent

Order under Section 241 (1) of Companies Act, 2013

Order delivered on 06.06.2024

CORAM:

**JUSTICE (RETD.) T. KRISHNAVALLI
HON'BLE MEMBER (JUDICIAL)**

**SHRI MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the Petitioner : Ms. Vandana Proxy Counsel
For the Applicant in
C.A and R2 in C.P : Mr. Skanda

ORDER

C.A NO. 73, 74 & 75 OF 2024

1. Heard the Learned Counsel for the Applicant.
2. The Counsel for the R2 appeared and stated that on 22.02.2024 in respect of C.A No.17 of 2021 it was wrongly/incorrectly mentioned that 'None appeared for the Applicant', whereas in the main C.P it is stated that the Counsel for the Respondent No.2 was present. However, it is noticed that, it is Respondent No.2 M/s. Virtuous Retail Private Limited itself has filed the C.A No.17 of 2021. Accordingly, it is noted that the Counsel for the Applicant in C.A No.17 of 2021 had appeared on 22.02.2024 and the order dated 22.02.2024 is hereby modified to this extent.

3. It is also noticed that on 18.04.2024 the C.A No.17 of 2021 was dismissed for non-prosecution. The Applicant Counsel submitted that due to some technical issue he was not able to login during the hearing. Hence, the present applications are filed.
4. Therefore, considering all the submissions made by the Applicant Counsel, we hereby allow the present applications bearing C.As No.73, 74 & 75 of 2024, by condoning the delay of 10 days in filing, the recall and restoration applications are allowed and C.A No.17 of 2021 is hereby restored to its original file. Accordingly, **C.As No.73/2024, 74/2024 & 75/2024** are disposed of.

C.P No.04/BB/2021

1. Heard the Learned Proxy Counsel for the Petitioner.
2. It is noticed that on 22.02.2024 only Proxy Counsel had appeared on behalf of the Petitioner. On 18.04.2024, since none appeared for the Petitioner, it was directed to list the C.P under the caption "for dismissal". Today, also Proxy Counsel has appeared on behalf of the Petitioner and requested for short adjournment. Therefore, one last opportunity is granted to the Petitioner's Counsel subject to the payment of cost of **Rs.10,000/-** (Rupees Ten thousand only) to be paid by the Respondent infavour of the Prime Minister's National Relief Fund within 10 days from today. The C.P will be heard only after the payment of cost and proof of the same filed in the registry.
3. List the C.A No.17 of 2021 along with C.P No. 04/BB/2021 before the regular bench on **01.08.2024**.

-Sd-

**(MANOJ KUMAR DUBEY)
MEMBER (TECHNICAL)**

-Sd-

**(T.KRISHNAVALLI)
MEMBER (JUDICIAL)**