

**IN THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH, BENGALURU**
(Through web-based Video Conferencing Platform)

ITEM No.09
Restoration Application No.01/2024 in
C.P. (IB)No.114/BB/2017

IN THE MATTER OF:

M/s. Next Education India Private Limited ... Petitioner
Vs.
K12 Techno Service Private Limited ... Respondent

Order under Section 9 of IBC, 2016

Order delivered on 05.02.2024

CORAM:

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

SHRI MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For Applicant in Restoration
Application No.1/24 : Shri Arjun Ajay

ORDER

RESTORATION APPL. 01/2024

1. This application is filed by the Applicant under Rule 11 of the NCLT Rules, 2016 interalia seeking to restore the proceedings in CP (IB) No.114/BB/2017 in accordance with the order passed by the Hon'ble Apex Court in Civil Appeal No.1775 of 2021 dt.27.03.2023.
2. Heard Ld. Counsel for the Applicant.
3. It is stated by the Applicant Counsel that the Hon'ble Supreme Court vide order dated 27.03.2023 in Civil Appeal No.1775 of 2021 quashed the earlier order passed by Hon'ble NCLAT and NCLT and the matter is remitted back to this Tribunal to consider section 9 petition afresh in accordance with law and on its own merits. Therefore, he has filed the present application praying to restore the original C.P.
4. Since the Hon'ble Supreme Court has already passed the order remitting back the matter to this Tribunal, a separate application for restoration of the C.P is not required. Therefore, the **Restoration Application No.01/2024** is **disposed of.**

C.P (IB) No.114/BB/2017

1. Heard the Ld. Counsel for the Petitioner.
2. Issue Notice to the Corporate Debtor/Respondent. Registry is directed to prepare the notice and Counsel for the Petitioner is permitted to collect the notice and serve it personally on the Managing Director of the Respondent Company and also on the Respondent Company along with Company petition and other material papers through email as well as by speed post and is directed to file affidavit of service along with tracking report in the Registry within two weeks.
3. If the notice sent through Speed Post, is not served, the Petitioner is permitted to adopt the substitute mode of service by way of paper publication in two daily newspapers i.e., one in English and one in Kannada having wide circulation in the area and file an affidavit of service along with the paper clippings within one week from the date of publication of the notice.
4. A period of two weeks for filing reply from the date of receipt of copy of the notice or from the date of paper publication of the notice as the case may be and one week for filing rejoinder, if any, thereto from the date of receipt of copy of reply is granted. List the case on **01.03.2024.**

Sd/-

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

Sd/-

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