

# NATIONAL COMPANY LAW TRIBUNAL KOCHI BENCH

**CORAM:**        **SHRI SHYAM BABU GAUTAM**                      **TMT. T.KRISHNA VALLI**  
                                 **HON'BLE MEMBER (TECHNICAL)**                      **HON'BLE MEMBER (JUDICIAL)**

PETITION No./IA No.	IA(IBC)/344/KOB/2023 in CP(IBC)/54/KOB/2022
SECTION	SEC 43 & 44 OF IBC R/W NCLT RULE 11.
NAME OF PARTIES	RAJENDRAN P R RP IN THE MATTER OF ASTEN REALTORS PRIVATE LIMITED V/S FEDEX FINANCE PRIVATE LIMITED AND 2 OTHERS.
PETITIONERS ADVOCATE/ PROFESSIONAL	VINOD P V, REETHA D, ANCHALA C
RESPONDENTS ADVOCATE/ PROFESSIONAL	HARIKUMAR G NAIR, AKHIL SURESH, ATHUL M V, ASM ASSOCIATES, FAISAL & STIYA ASSOCIATES.

**01 April 2024**

## O R D E R

### **IA(IBC)/344/KOB/2023 in CP(IBC)/54/KOB/2022**

In view of the orders passed today in IA(IBC)/82/KOB/2024, the reply filed by Respondent Nos. 2 & 3 in the present application is taken on record. Copy of the reply affidavit may also be served on the Counsel appearing for the other side.

List this matter for further consideration on **08.04.2024**.

### **IA(IBC)/82/KOB/2024 IN IA(IBC)/344/KOB/2023 in CP(IBC)/54/KOB/2022**

This is an IA bearing No. 82/KOB/2024 filed by the Applicants (Respondent Nos. 2 & 3 in IA(IBC)/344/KOB/2023) seeking recall of Annexure R-1 Order dated 20/11/2023 in IA(IBC)/344/KOB/2023 in CP(IBC)/54/KOB/2022.

Learned Counsel, Mr. Vinod PV appearing on behalf of the RP (R1) and Learned Counsel, Mr. Akhil Suresh appearing on behalf of R2 are physically present in court and stated no objection in the event if Annexure R-1 Order dated 20/11/2023 is recalled.

( 2 )

Learned Counsel, Ms. Haritha Harinath appears on behalf of the Applicants and submits that she has already filed their reply affidavit, however the same is not taken on record by the Registry since the order dated 20.11.2023 comes in the way of taking the reply on record. Accordingly, she pleads to this bench to recall the said order.

Taking note of the submissions of the Learned Counsel appearing for the Applicants and to give fair justice to the parties, this bench recalls the Annexure R-1 Order dated 20/11/2023. Accordingly, the Applicants (Respondent Nos. 2 &3 in IA(IBC)/344/KOB/2023) are at liberty to file their reply affidavit. Registry is directed to take the reply affidavit on record, if it is defect free.

With the aforesaid observations, this IA(IBC)/82/KOB/2024 is **allowed and disposed of.**

**IA(IBC)/414/KOB/2023 in CP(IBC)/54/KOB/2022**

List this matter for further consideration on **08.04.2024.**

**Sd /-**

**SHYAM BABU GAUTAM  
MEMBER (TECHNICAL)**

**Sd /-**

**T.KRISHNA VALLI  
MEMBER (JUDICIAL)**