

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – 1
VC AND PHYSICAL (HYBRID) MODE
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON
22-04-2024 AT 10:30 AM**

**CP (IB) No. 275/7/HDB/2023
AND**

**IA (IBC) /2024 (E Filing No: 0981/2024) in CP (IB) No. 275/7/HDB/2023
u/s. 7 of IBC, 2016**

IN THE MATTER OF:

Karne Ramesh Babu

...Financial Creditor

AND

Kalzen Contech Private Limited

...Corporate Debtor

C O R A M:-

**DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)
SH. CHARAN SINGH, HON'BLE MEMBER (TECHNICAL)**

ORDER

IA (IBC) /2024 (E Filing No: 0981/2024)

Learned Senior Counsel Mr Deepak Bhattacharjee, along with the counsel on record Mr Dishit Bhattacharjee, for applicant present physically.

Matter passed over.

Matter called again. Learned Counsel Mr Prashanth, appeared through Video Conference and stated that he is representing the Corporate Debtor who according to him also by his side.

We find from our previous order that learned counsel Mr Prashanth, offered Vakalat on behalf of the corporate debtor, took time for filing Vakalat and also counter, but thereafter never appeared for the corporate debtor. Now in this restoration application also the learned counsel Mr Prashant appeared without filing any Vakalat, and insisted that he be heard.

It is pertinent to note that but for the representation of the learned counsel Mr Prashanth dated 01.02.2024 (first hearing date), that he was instructed by the

corporate debtor for appear for it (which representative ultimately proved to be incorrect), we would have ordered notice to the corporate debtor as there was no proof of service of notice on the corporate debtor and proceeded with the matter. Being an Advocate Mr Prashanth should be aware that insisting the Tribunal to hear him on behalf of his purported client without filing the Vakalat, is unacceptable.

We therefore hold that Mr Prashant Advocate has no right to represent the corporate debtor herein.

Needless to say, that the proceedings under IBC are time bound. That a part, having sought time to file Vakalat, Mr. Prashant should have filed Vakalat or should have advised the party to appear in person, instead dis-appeared and the party also failed to appear. Thus, caused delay in the present time bound adjudication process.

We are therefore of the view that the matters of this nature since are causing delay in disposal of the matters, should be curbed. Hence, let a copy of this order be sent to the concerned State Bar Counsel, where Mr Prashant has enrolled himself as an Advocate, within a week, by the Registry, enabling the Bar Counsel to examine whether the above conduct of the learned counsel Mr Prashanth amounts to “mis conduct” under the Advocates Act.

Order on office objection on maintainability of Restoration application:

Heard learned the senior counsel Mr. Deepak Bhattacharya. Prima facie, satisfied that the petitioner is maintainable. Hence the registry is directed to number this petition if the same is otherwise in order.

Sd/-
MEMBER (T)

Sd/-
MEMBER (J)