

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Company Appeal (AT) (Insolvency) No. 64 of 2021**

**In the matter of:**

**Adish Jain**

**....Appellant**

**Vs.**

**Sumit Bansal & Ors.**

**....Respondents**

**Present:**

**Appellant: Mr. P. Nagesh, Mr. Harshal Kumar, Mr. Shivam Wadhwa, Advocates.**

**Respondents: Mr. KD Sharma, Mr. Vivek Raheja, Advocates for RP. Mr. PBA Srinivasan, Mr. Parth Tondon, Mr. Avinash Mohapatra, Ms. PS Chandralekha, Advocates for R2 (COC)**

**ORDER**

**(Through Virtual Mode)**

**03.02.2021:** The Appellant is aggrieved of closure of his right to file reply in I.A No.3899 of 2020 pending consideration before the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench, Court-II. Mr. P. Nagesh, Advocate representing the Appellant while giving up all other prayers made in appeal and on instructions expressing remorse for unfair remarks made against the Bench in Part 1(4) of the memo of appeal confines his prayer only in regard to closure of his right to file reply.

2. After hearing Mr. P. Nagesh, learned counsel for the Appellant, Mr. K.D. Sharma, Advocate representing the Resolution Professional and Ms. PS Chandralekha, Advocate representing the Committee of Creditors, we find that from 7<sup>th</sup> October, 2020 to 5<sup>th</sup> January, 2021 Appellant did not respond to the application and failed to file reply despite a clear direction in this regard. Mr. P. Nagesh, learned counsel for the Appellant submits that since a Review Petition

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was pending before the Hon'ble Apex Court, there was delay in filing reply. The matter still survives for consideration though order on IA 4208 is stated to have been pronounced by the Adjudicating Authority.

3. Having regard to all relevant factors and being of the considered view that it would be appropriate to grant brief respite to Appellant by providing him a final opportunity subject to payment of costs for filing reply to IA 3899/2020 before the Adjudicating Authority so that the issue is decided on merit, we set aside the impugned order to the extent it pertains to IA 3899/2020 and grant the Appellant a week's time reckoned from today as last and final opportunity to file reply failing which right to file the same shall stand closed without reference to the Bench. The filing of reply shall be subject to payment of Rs. 50,000/- as costs to Respondent No.1 which shall be pre-condition for entertaining the reply.

The appeal is accordingly disposed off.

The matter is stated to be listed before the Adjudicating Authority on 24<sup>th</sup> February, 2021. Let a copy of this order be communicated to the Adjudicating Authority.

**[Justice Bansi Lal Bhat]**  
**Acting Chairperson**

**[Dr. Ashok Kumar Mishra]**  
**Member (Technical)**

**[Dr. Alok Srivastava]**  
**Member (Technical)**

**AR/g**