

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 610 of 2020**

**In the matter of:**

**SNS Starch Ltd.**

**....Appellant**

**Vs.**

**Vasavi & Company**

**....Respondent**

**Present:**

**Appellant:           Mr. Nithin Chowdary Pavuluri, for Advocate**

**Respondent:       None**

**ORDER**

**28.07.2020:**       Heard the Learned Counsel for the Appellant/Corporate Debtor.

The Adjudicating Authority, National Company Law Tribunal, Hyderabad Bench while passing the Impugned Order in IA 308 of 2020 in CP (IB) No. 441/9/HDB/2019 on 13.05.2020 at Paragraph 12 had observed the following and ultimately dismissed the Application:

*“This is an Application filed at a highly belated stage and the intention for filing this Application is only to prolong the matter. Absolutely there are no sufficient grounds to re-open the matter which was long back heard and ripe for pronouncing the order. The Application has no merits at all and is liable to be dismissed.”*

According to the Appellant, there are some variations in the amount mentioned in the invoices against Sl. No. 15 and Sl. No. 160 and also that a

sum of Rs. 2,28,500/- claimed under Invoice No. 180 mentioned that Sl. No. 16 is disputed as the material paper was not enclosed. Moreover, the material papers filed by the Operational Creditor on page 85 to 223 and 241 to 380 are one and the same but inconsistent with the amounts cited at page no. 5 to 7 of the Company Petition.

The grievance of the Appellant/Applicant (Corporate Debtor) is that in the main CP (IB) No. 441/9/HDB/2019 in February 2020, the Order was reserved and since the invoices filed in the subject matter are not legible etc. and added further there being a variation, the Applicant/Appellant (Corporate Debtor) is very much handicapped in not able to present his Written Submissions before the Adjudicating Authority.

Considering the fact for the instant IA No. 308 of 2020 filed by the Appellant/Applicant/Corporate Debtor before the Adjudicating Authority wherein reliefs were sought to re-open the petition CP (IB) No. 441/9/HDB/2019 to put forth additional facts on record and directions being issued to the Operational Creditor/ the Petitioner to produce legible papers on documents filed together with a petition came to be dismissed on 13.05.2020 with an observation that the said Application was filed at highly belated stage and that the intention for filing the said Application was only to prolong the matter and that there were no sufficient grounds to re-open the matter which was heard long back etc., this Tribunal finds no legal infirmity in the Impugned Order. Viewed in that perspective this Court at this stage, simpliciter deems it fit and proper to dismiss the present Appeal and the same is accordingly

dismissed. Connected IA No. 1623/2020, 1624/2020, 1625/2020 are closed. However, we grant liberty to the Appellant/Applicant/Corporate Debtor to submit its Written Submissions before the Adjudicating Authority through its counsels by 13<sup>th</sup> August, 2020. In the event of Appellant/Applicant/Corporate Debtor filing the Written Submission before the Ld. Adjudicating Authority in CP (IB) No. 441/9/HDB/2019 within the time adumbrated by this Tribunal then, the said submissions may be taken on record by the (Adjudicating Authority), NCLT Hyderabad Bench and to pass necessary recent orders in the main Company Petition on merits, ofcourse in accordance with law and in the manner also that this Tribunal, in furtherance of substantial cause of justice directs the Ld. Counsel for the Appellant/Applicant/Corporate Debtor to bring to the notice of the Adjudicating Authority about the judgement of this Tribunal in the present Company Appeal without any further loss of time.

Before parting with the case, the Appellant is directed to produce the certified copy of the Impugned Order dated 13.05.2020 of the Adjudicating Authority within two weeks from today.

**[Justice Venugopal M.]**  
**Member (Judicial)**

**[Balvinder Singh]**  
**Member (Technical)**

**[Ms. Shreesha Merla]**  
**Member (Technical)**

*ha/nn*  
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