

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 10 of 2019

IN THE MATTER OF:

Sanjeev Memorial Foundation

...Appellant

Versus

Kamrup Housing Projects Pvt. Ltd.

...Respondent

Present:

For Appellant : Mr. Sanjeev Panda, Advocate

O R D E R

07.01.2019 The delay in refiling the appeal is condoned.

This appeal has been preferred by the appellant against the order dated 5th December, 2018, passed by the Adjudicating Authority (National Company Law Tribunal) New Delhi, Special Bench, which reads as under:

“This is an application filed by corporate debtor praying for setting aside the order passed on 02.11.2018 where they were ordered to be proceeded ex parte. Ld. Counsel further states that the corporate debtor was not served through e-mail and they were not aware about the service of the said application, further stating that the e-mail as reflected in the master data is not functional. Ld. Counsel for the respondent states that reply is already filed on 13.11.2018 and further prays to take the same on record. We allow prayer ‘a’ and set aside the order dated 02.11.2018 declaring the

matter to proceeded ex parte as a consequence the reply is taken on record.

Rejoinder, if any, be filed within one week with a copy in advance to the counsel opposite.

CA-1257(PB)/2018 is disposed of as allowed.

List for arguments on 20.12.2018.”

On hearing the counsel for the appellant, we find no illegality in the order whereby the *ex-parte* order passed by the Adjudicating Authority has been set aside.

In absence of any merit, the appeal is dismissed. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/sk/