

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (INS) No.504 of 2019**

**IN THE MATTER OF:**

**Manjeet Singh Chawla**

**...Appellant**

**Vs.**

**Next Door Learning Solutions (P) Ltd.**

**...Respondent**

**For Appellant: Ms. Prachi Johri, Advocate**

**For Respondent: Advocate (Present and argued but did not mention in attendance)**

**O R D E R**

**09.07.2019** Heard Counsel for both sides. Perused the Appeal. It appears that the Appellant filed Section 9 Application under the Insolvency and Bankruptcy Code, 2016 (IBC – in short) before the Adjudicating Authority on 12<sup>th</sup> May, 2018. The matter had come up before the Adjudicating Authority (National Company Law Tribunal, Jaipur) and the following Order came to be passed:-

**“ORDER**

A representation is made on behalf of learned counsel for the petitioner that some more time may be granted to proceed with the matter. Learned counsel for the Corporate Debtor vehemently opposed the said representation made on behalf of counsel for the petitioner. It is also pointed out by leaned counsel for the Corporate Debtor that reply has been duly filed as directed by this Tribunal and in relation to filing of the rejoinder deliberately the petitioner is taking time in order to delay the proceedings. It is by now trite as by the decisions of Hon’ble NCLAT as well as this Tribunal and Hon’ble Supreme Court that IBC is a time bound

process and repeated time cannot be granted for prosecuting particularly on the part of the petitioner. In the circumstances this Tribunal imposes a cost of Rs.25,000/- to be paid to learned counsel for the Corporate Debtor within a period of one week from today in order to defray learned counsel for the Corporate Debtor who it is represented has travelled from Delhi to argue this case today. Subject to payment of cost of Rs.25,000/- further proceeding in this petition will take place on next date of hearing which is fixed on 13.12.2018, failing which this petition will stand dismissed.”

2. The learned Counsel for the Appellant is submitting that this Order was passed on the basis of wrong submissions made by the Respondent. According to her, as the Counsel for the Appellant was not in a position to reach Jaipur, the Respondent was informed in advance and still the Order as above came to be passed.

3. The Counsel further submits that the Appellant filed IA 94/2018 so that the cost imposed of Rs.25,000/- is either set aside or reduced. According to her, in spite of making out a case for setting aside of the cost or reduction, the Adjudicating Authority without giving proper opportunity to the Appellant, rejected the Application.

4. We have gone through the original Order dated 15<sup>th</sup> November, 2018 and the Impugned Order passed on 29<sup>th</sup> March, 2019. It is a Section 9 proceeding and IBC requires following of certain time frame. Here grievances are being made that Rejoinder was to be filed and opportunity was not given, etc. Going through

the reasons recorded by the Adjudicating Authority in the Impugned Order dated 29<sup>th</sup> March, 2019, we are of the view that it would not be appropriate for us to interfere with the docket management of the Adjudicating Authority. With the heavy pressure of Insolvency matters, it is appropriate for the Adjudicating Authority to expect cooperation from the parties. If the same is not done, the Adjudicating Authority cannot be faulted with if it imposed costs. Costs were imposed also taking into consideration that the Counsel for Corporate Debtor had travelled from Delhi to Jaipur for arguing the case.

5. We are not setting aside the Order of costs. However, looking to the preemptive Order dated 15.11.2018 whereby it is directed that failing payment of costs, the Petition would stand dismissed, we give opportunity to the Appellant to pay the costs. It would not be just to not give opportunity to pay and dismiss the Application/Petition under Section 9 of Insolvency and Bankruptcy Code, 2016.

6. The Appellant is given time to deposit costs with the Adjudicating Authority as ordered on 15<sup>th</sup> November, 2018 by 25<sup>th</sup> July, 2019 and the original proceedings, if the same have been treated as dismissed, shall stand restored to the file of Adjudicating Authority. Both the parties to appear before the Adjudicating Authority on 1<sup>st</sup> August, 2019, for the IB-02/9/2018 (TA 95/2018) to proceed further.

The present Appeal stands disposed accordingly.

[Justice A.I.S. Cheema]  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

*rs/gc*