

IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI

COURT-III

IB-847/ND/2019  
(CA-474/2019)

In the matter of :

Saran Equipments & Engineers (P) Ltd

.. PETITIONER

Vs.

Pioneer Fabrications (P) Ltd

..RESPONDENT

SECTION

Under Section 9 of IBC, 2016

Order delivered on 25.7.2019

Coram :

Sh. R. Varadharajan,  
Hon'ble Member (Judicial)

For the Petitioner /Op. Creditor : Mr. Pradeep Dhingra, Ms. Snigdha Lal, Advocates  
For the Respondent/Corporate Debtor :

ORDER

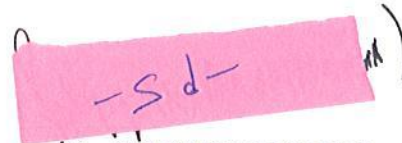
CA No. 474/C-III/ND/2019 has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant for restoration of the petition and seeking to set aside the Order dated 11.4.2019 passed in the petition No.847/ND/2019 which was dismissed for non-prosecution. From the perusal of record of proceedings, it is seen that the matter was listed on 05.4.2019 and there was no appearance on the part of petitioner again and from the order dated 11.4.2019 in view of non-appearance, this Tribunal was hence constrained to dismiss the petition for non-prosecution on the part of petitioner. This application seems to have

*Court*



been filed after a period of 30 days from the date of passing the order seeking to set aside the order dated 11.4.2019 and for restoration of the petition.

Perusal of the affidavit shows that the petitioner has not explained when he was aware about the dismissal of the petition on 11.4.2019 and since this application has been filed on 23.7.2019 (beyond the period of 30 days), we are not in a position to entertain this petition. Hence, this application stands dismissed.



(R. VARADHARAJAN)  
MEMBER (JUDICIAL)

Surjit  
25.7.2019

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