

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 481 of 2021

IN THE MATTER OF:

MLS LED Limited

Units 1603-44, 16th Floor,
Causeway Bay Plaza I, No. 489,
Hennessy Road, Hong Kong
Email: krishan.sujan@mlsindia.net

...Appellant

Versus

HQ Lamps & Manufacturing Company Pvt. Ltd.

A-77, First Floor, Sector – 2 Noida,
Gautam Buddha Nagar – 201301,
Uttar Pradesh.

Also at:

Plot No. 73-75, Sector-6A IIE,
Sidcul, Haridwar – 249403,
Uttarakhand
Email: cs@hqlamps.in

...Respondent

**For Appellant: Mr. Abhishek Malhotra and Ms. Shilpa Gamnani,
Advocates.**

For Respondent: Mr. Kanishk Khetan, Advocate.

ORDER
(Virtual Mode)

16.07.2021: This Appeal has been filed against impugned order dated 17th March, 2021 passed in C.P. No (IB) 219/ALD/2018 passed by the Adjudicating Authority (National Company Law Tribunal), Allahabad Bench. The order reads as under:

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“A request has been received on behalf of Sh. Abhishek Malhotra, Advocate for the applicant and Ld. Counsel Sh. Alok Dhir for the respondent for taking up the present matter through Video Conferencing. Request is allowed. Accordingly, the matter is being taken up.

Sh. Vinayak Mithal alongwith Ms. Shilpa Gamnani Advocates on behalf of the Applicant is also present in person.

As the internet connection is not very clear today and the voice is not coming across, accordingly, let the matter be placed on board again on 22nd April, 2021 for hearing before the Regular Court/ Video Conferencing, by which time, Ld. Counsels for the parties may file their written submissions, if they so desire.”

2. The Learned Counsel submits that in this matter after filing of the Application under Section 9, the matter has remained pending for admission for more than 1074 days. It is stated that during this period twice the matter was heard and reserved for judgment but later on was released. It is stated that even now the Appellant – the Original Applicant has completed its arguments on 19th February, 2020 and the opposite side is yet to argue. Advocate Shri Kanishk Khetan appears on behalf of the Respondent. It is stated that now the matter has been fixed for hearing on 23rd August, 2021, when Respondent has to argue.

3. It appears to us that it is time that observations of Hon’ble Supreme Court in the matter of *“Ajit Mohan & Ors. vs. Legislative Assembly, National Capital Territory of Delhi & Ors.”*, Writ Petition (Civil) No. 1088 of 2020 dated 8th July, 2021

recorded as a “Postscript” are taken seriously. Hon’ble Supreme Court has observed:

“We do believe that there needs to be clarity in the thought process on what is to be addressed before the Court. Counsels must be clear on the contours of their submissions from the very inception of the arguments. This should be submitted as a brief synopsis by both sides and then strictly adhered to.”

4. Counsel for the both sides agree to cooperate with the Adjudicating Authority. We request the Adjudicating Authority to expeditiously hear the application and decide the same at the earliest. The Appeal is disposed accordingly. No costs.

**[Justice A.I.S. Cheema]
The Officiating Chairperson**

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

Archana/gc.