



**IN THE NATIONAL COMPANY LAW TRIBUNAL,
NEW DELHI COURT III**

Item No.01
Rest.A-101/2022
In
IB-531(ND)/2020

IN THE MATTER OF:

M/s. Armour Security (India) Private Limited

.....APPLICANT/PETITIONER

Vs.

Ambience Private Limited

.....RESPONDENT

SECTION

U/s 9 of IBC, 2016

Order Pronounced on 21.04.2023

CORAM:

SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)

SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Karan Gandhi, Advocate.

For the Respondent :

ORDER

Order pronounced in open court vide separate sheets. Rest.A-101/2022
is **dismissed**.

Sd/-
(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

Sd/-
(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)



**THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI COURT III**

Rest.A-101/2022

In

Company Petition No. IB-531(ND)/2020

Under Section 9 of the Insolvency and Bankruptcy Code, 2016

In the matter of:

M/s. Armour Security (India) Private Limited

...Applicant/Petitioner

Versus

In the matter of:

Ambience Private Limited

...Corporate Debtor

Judgment delivered on: 21.04.2023

Coram:

**SHRI BACHU VENKAT BALARAM DAS
Hon'ble MEMBER (JUDICIAL)**

**SHRI ATUL CHATURVEDI
HON'BLE MEMBER (TECHNICAL)**

For the Applicant : Mr. Karan Gandhi, Advocate.

For the Respondent :

ORDER

Per: BACHU VENKAT BALARAM DAS, MEMBER (J)

1. This application has been filed under Rule 11 of NCLT Rules, 2016 seeking restoration/revival of the application bearing No. Rest.A-81/2022. It is submitted that the Applicant/Operational Creditor had



filed an application bearing No. Rest.A-81/2022 seeking restoration/revival of the original Company Petition i.e., IB-531/ND/2020 which was filed under Section 9 of IBC, 2016 against the Respondent/Corporate Debtor.

2. Learned Counsel appearing for the Applicant submitted that Rest.A-81/2022 was filed seeking restoration of IB-531/ND/2020 which was disposed of by this Tribunal vide order dated 13.02.2023 on the ground that the CIRP proceedings have already been initiated against the present Respondent/Corporate Debtor in another matter, titled as M/s. Vistra (ITCL) India Private Limited versus Ambience Private Limited, in IB-1600/ND/2018, filed under Section 7 of IBC, 2016 passed by this Tribunal on 21.12.2020. This Tribunal has noted that CIRP proceedings have already been initiated against the Corporate Debtor and the said petition was disposed of giving liberty to the Applicant/Operational Creditor to file its claim before the Resolution Professional.

3. The Respondent challenged the said order dated 21.12.2020 passed by this Tribunal in IB-1600/ND/2018 before the Hon'ble NCLAT by filing an Appeal No. 06/2021. The Hon'ble NCLAT vide order dated 02.08.2022 set aside the order dated 21.12.2020 passed by this Tribunal in IB-1600/ND/2018 whereby the CIRP proceedings were initiated against the Respondent M/s. Ambience Private Limited. Therefore, the Applicant filed IA-81/2022 seeking revival of the Company Petition i.e., IB-531/ND/2020.

4. The said IA-81/2022 was listed on 10.11.2022 and since, no one appeared on behalf of the Applicant, the application was dismissed for non-prosecution. Thereafter, the Applicant filed the present application i.e., IA-101/2022 on the same prayers i.e., seeking restoration/revival of application No. 81/2022.



5. We have heard the submissions made by Mr. Karan Gandhi, Learned Counsel appearing for the Applicant and Mr. V. Anush Raajan, Learned Counsel appearing for the Corporate Debtor.

6. From the records, we find that on 10.11.2022, the Restoration Application No. 81/2022 was listed. Since, no one appeared on behalf of the Applicant despite repeated calls, the said application was dismissed for non-prosecution. The Applicant did not challenge the said order before the Higher Authority. Therefore, in our considered view, the second application i.e., Rest.A-101/2022 seeking the same prayers is misconceived, not maintainable and is a abuse of process of law and therefore ought to be rejected.

The present application is therefore **dismissed**.

SD/-

**(ATUL CHATURVEDI)
MEMBER (TECHNICAL)**

SD/-

**(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)**