

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins.) No. 773 of 2023

IN THE MATTER OF:

Rolta Pvt. Ltd.

....Appellants

Vs.

Varanium Cloud Ltd.

....Respondent

Present:

For Appellant: Mr. Krishnendu Datta, Sr. Advocate, Ms. Anannya Ghosh, Ms. Mrinalini Mishra, Advocates

For Respondent: Mr. Anuj P. Agarwala, Advocate

O R D E R

12.07.2023: This appeal has been filed against the order dated 10.04.2023 by which application under Section 7 filed by the appellant was dismissed as not maintainable in terms of Section 10A.

2. Adjudicating Authority in paragraph 5 has given the reason for dismissing the application as barred by Section 10A.

3. Learned Counsel for the Appellant submitted that apart from the default mentioned in the application there was default prior to Section 10A period and also subsequent to Section 10A period.

4. However, Learned Counsel for the Appellant submits that the appellant does not intent to contest the impugned order on merits and he be permitted to withdraw the appeal with liberty to file a fresh application on appropriate materials.

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5. We make it clear that we are not expressing any opinion on the merits of the claim of the appellant, the Respondent shall be at liberty to raise all pleas including the bar of Section 10A in proceeding, if any.

6. With these observations, we permit the appellant to withdraw the appeal with liberty aforesaid.

[Justice Ashok Bhushan]
Chairperson

[Mr. Barun Mitra]
Member (Technical)

sa/nn

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