

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT - 2

ITEM No.307

IA/1170(AHM)2023 in IA 5 of 2020
in CP(IB) 8 of 2019

Order under Section 424 of Co. Act, 2013
r.w Rule 11, 14, 15, 32 & 51 NCLT Rules, 2016

IN THE MATTER OF:

Archit Organosys Limited

.....Applicant

Vs

Vikash G. Jain Rp Of Gopala Polyplast Ltd.

.....Respondent

Order delivered on: 22/03/2024

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)

Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

ORDER

The case is fixed for pronouncement of the order. The order is pronounced in the open court, vide separate sheet

Sd/-

Sd/-

DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

CHITRA HANKARE
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT-II**

IA 1170/NCLT/AHM/2023
In IA 5/NCLT/AHM/2020
in
CP(IB)/08/NCLT/AHM/2019

IA 1170/NCLT/AHM/2023

Memo of Parties

Archit Organosys Limited
Having registered office situated at
Plot No.25/9-A, Phase-III, GIDC
Naroda, Ahmedabad-382330

.... Applicant

Versus

Mr. Vikas G. Jain
Resolution Professional
Of Gopala Polyplast Ltd.
(Now renamed as HCP Plastene
Bulkpack Limited)
H.B. Jirawala House
Navbharat Soc, Nr.Panchshil
Bus Stand, Usmanpura
Ahmedabad-380 013

.... Respondent

Order Pronounced on 22.03.2024

Coram

Mrs. Chitra Hankare, Member(J)

Dr. Velamur G Venkata Chalapathy, Member(T)

Appearance:

For the Applicant : Mr. Chetan B. Patel, PCS

For Respondent/RP : Mr. Vishal Dave, Advocate along with
Advocates, Mr. Nipun Singhvi,
Ms. Pragati Tiwari & Mr. Mayur Jugtawat

JUDGMENT

1. This application is filed under Section 424 of the Companies Act, 2013 read with Rules 11,14,15,32 & 51 of National Company Tribunal Rules, 2016.
2. The applicant stated that the Resolution Professional (RP) has filed an application for Preferential and Fraudulent Transactions vide IA No.5 of 2020. This Tribunal directed respondents to file reply therein. The applicant assigned the work of filing reply to one advocate and was under impression that it was done but the advocate has not filed the reply. The applicant is not part of the alleged transactions and no consent was given for it. Its involvement is not there, therefore, it is necessary to protect its interest. If its right is re-opened, no prejudice will cause to other stakeholders. Hence, prayed for allowing him to file reply.
3. The RP did not file any reply.
4. Heard Ld. PCS for the applicant and Ld. Counsel for the RP.
5. Considering the nature of the application, it is necessary that an opportunity is to be given to the applicant to defend himself against the serious allegations leveled by the RP. If the reply of the applicant is taken on record, no prejudice will cause to the RP or other stakeholders. However, as the applicant failed to file reply within time, the matter was unnecessarily prolonged. Therefore, the applicant must be saddled with some costs. Hence, we pass the following order:-

ORDER

- i) Application, i.e. IA 1170/NCLT/AHM/2023, is allowed.
- ii) The applicant is directed to file reply within seven days from the date of this order, subject to payment of cost of Rs.10,000/- (Rupees ten thousand only) to the Prime Minister Relief Fund.
- iii) It is further made clear that no further time will be granted either for payment of cost or for filing of reply.

6. Application is disposed of.

Sd/-

**DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)**

Sd/-

**CHITRA HANKARE
MEMBER (JUDICIAL)**