

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

I.A. No.533 of 2019 in
C.P. (IB) No.395/BB/2019
U/s 238A of IBC, 2016
R/w Section 5 of Limitation Act, 1963
R/w Rule 11 of NCLT Rules, 2016

IN THE MATTER OF:

M/s. Green Land
Regd. Off: A-2, Atharva Residency,
Above Pancharatna, Super Market,
Big Bazar Chowk, Baner Road,
Pune – 411 045. - Applicant/Operational Creditor

Versus

M/s. Ebaco India Pvt. Ltd.
Regd. Off: 57, 4th Floor,
Defence Colony, 100 ft Road,
Bangalore – 560 038. - Respondent/Corporate Debtor

Date of Order: 03rd December, 2019

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

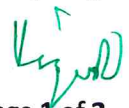
Parties/Counsels Present:

For the Applicant : Ms. Manasi Kumar

ORDER

Per: Rajeswara Rao Vittanala, Member (J)

1. I.A. No.533 of 2019 in C.P. (IB) No.395/BB/2019 is filed by M/s. Green Land (hereinafter referred to as 'Applicant/Petitioner/Operational Creditor') under Section 238A of the I&B Code, 2016 read with Section 5 of the Limitation Act, 1963 read with Rule 11 of the National Company


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Law Tribunal Rules, 2016 by inter alia seeking to condone the delay of 58 days in re-presenting the original file that was filed before the Hon'ble NCLT, New Delhi.

2. It is stated that the Applicant had earlier filed a Petition u/s 9 of the Code against the Respondent M/s. Ebaco India Pvt. Ltd. before the Hon'ble NCLT, New Delhi. On hearing the matter on 28.05.2019, Hon'ble NCLT, New Delhi has observed that since the registered office of the Respondent is situated at Bengaluru, falling under the jurisdiction of this Tribunal, it has permitted the Applicant to withdraw the Petition and file the same before appropriate Bench of the Tribunal, within a period of one month. Accordingly, the said original file was returned to the Applicant on 12.07.2019 along with a letter issued by its Registry and he is required to re-present the file before this Tribunal within one month from 12.07.2019, i.e. by 12.08.2019. However, the same could not be filed within the said period as the Applicant is based in Pune and took some time in engaging the Counsel in Bengaluru, and subsequently unwell, thus caused delay in re-presenting the file and requests to condone the same.
3. We are convinced with the reasons cited by the Applicant and are inclined to condone the delay as prayed for.
4. Hence, I.A. No.533 of 2019 in C.P. (IB) No.395/BB/2019 is hereby allowed by condoning the delay of 58 days in re-presenting the Petition filed u/s 9 of the Code before this Tribunal.

ASHUTOSH CHANDRA
MEMBER, TECHNICAL

RAJESWARA RAO VITTANALA
MEMBER, JUDICIAL