

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**COURT-V**

**Item No.-505**  
IB-309/ND/2022  
New IA/4751/2022

**IN THE MATTER OF:**

M/s. Redpro Construction Pvt. Ltd.

**Vs.**

M/s. Skyline Infratech Pvt. Ltd.

....Applicant

....Respondent

**SECTION**

U/s 9 IBC

**Order delivered on 07.10.2022**

**CORAM:**

**SHRI P.S.N. PRASAD,**  
**HON'BLE MEMBER (JUDICIAL)**

**SHRI RAHUL BHATNAGAR,**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant

For the Respondent

Mr. Humraz Bir Singh, Adv.

**ORDER**

**New IA/4751/2022**

This is an application under Rule 49(2) read with Rule 11 of NCLT Rules, 2016 for setting aside the ex-parte order dated 30.08.2022 and granting permission to file reply to the application filed by the Operational Creditor under Section 9 of the IBC. We have heard the submissions made by Ld. Counsel for Applicant as well as Ld. Counsel for the Operational Creditor. Ld. Counsel for the Operational Creditor has already established the completion of service of notice and having regard to the fact that notice of service is completed, as the Corporate Debtor was not present, Corporate Debtor was finally been set as ex-parte. Now the Corporate Debtor approached this Tribunal through his counsel praying to set aside the ex-parte order. In the interest of justice and fair play and to afford an opportunity to the Corporate



Debtor to defend himself as CIRP being a process, where it is desirable to hear the Corporate Debtor, the ex-parte order dated 30.08.2022 is set aside subject to payment of cost Rs. 15,000/- to the Operational Creditor/his counsel within next week days and also file the proof of payment or affidavit in view of having paid the money. Corporate Debtor is directed to file the reply within 10 days and if the reply is not filed within 10 days, the opportunity now afforded to file the reply will be closed. The present application New IA/4751/2022 for setting aside the ex-parte order dated 30.08.2022 is **allowed** subject to payment of cost as stated above. List the main matter on **09.11.2022**.



**(RAHUL BHATNAGAR)**  
**MEMBER (T)**



**(P.S.N. PRASAD)**  
**MEMBER (J)**

Amit Tiwari