

**NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
BENGALURU BENCH, BENGALURU, HELD ON 09.09.2020

THROUGH VIDEO CONFERENCING

CAUSE LIST

PRESENT: 1. Hon'ble Member (J), Shri Rajeswara Rao Vittanala
2. Hon'ble Member (T), Shri Ashutosh Chandra

CP/CA No.	Purpose	Sec	Name of Petitioner	Petitioner Advocate	Name of Respondent	Respondent Advocate
CP(IB)No. 54/BB/2020	For admission	Sec 7 of I&B code 2016	M/s Gopaal Agarrwal & ors	Beena P K, Advocate	City Square Enterprises Pvt Ltd	Dushyanth Kumar

ADVOCATE FOR PETITIONER/s:

None appeared

ADVOCATE FOR RESPONDENT/s:

Mr. Dushyanth Kumar.

ORDER

Heard Mr. Dushyanth Kumar, Learned PCS for the Respondent through Video Conference.

CP (IB) No. 54/BB/2020 is dismissed for default for non-prosecution of the case

[Signature]
MEMBER (T)

[Signature]
MEMBER (J)

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

C.P. (IB)No.54/BB/2020

U/s. 7 of the IBC, 2016

R/w Rule 4 of I&B (AAA) Rules, 2016

Between :

Mr.GopaalAgarwal
8-2-293/NL/40, Road No. 10C,
MLAs and MPs Colony,
Jubilee Hills,
Hyderabad – 500 033
And 2 others

- Petitioners/Financial Creditors

And

M/s. City Square Enterprises Pvt. Ltd.,
No.312, 3rd Floor,
Royal Corner, KH Road,
Bengaluru – 560 027

- Respondent/Corporate Debtor

Date of Order: 9th September, 2020

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

Parties/Counsels Present:

For the Petitioner : None
For the Respondent : Shri Dushyanth Kumar

ORDER

Per: Rajeswara Rao Vittanala, Member (J)

1. C.P.(IB)No.54/BB/2020 is filed by Mr.Gopaal Agarwal and 2 others (Petitioners/Financial Creditors), U/s. 7 of the IBC, 2016 R/w Rule 4 of I&B (AAA) Rules 2016, by inter-alia seeking to initiate Corporate Insolvency Resolution Process (CIRP) in respect of M/s. City Square Enterprises Private Limited (Respondent/Corporate Debtor) on the ground that it has


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committed default for an amount of Rs.3,41,12,087.66/- (Rupees Three Crore Forty One Lakh Twelve Thousand and Eight Seven only) which includes principal amount and interest as on 28.12.2009.

2. The case was listed for hearing on 24.06.2020, 01.07.2020, and 13.08.2020. When neither the Petitioners nor their Representative attends on the above date, the case was directed to be posted under the caption **"For Dismissal"** on 21.08.2020. In order to give one more opportunity to the Petitioners, the case was again posted to 07.09.2020 and on these dates also, the Petitioners failed to represent the case. However, the Counsel for the Respondent present on all above dates.
3. Heard Shri Dhusyanth Kumar, Learned Counsel for the Respondent through Video Conference. We have carefully perused the pleadings of the party and extant provisions of the Code and the Rules made thereunder.
4. The Learned Counsel for the Respondent submits that he has filed a reply to the main company petition as early as on 04.03.2020 by raising several contentions.
5. The absence of either the Petitioners or their representative on the above dates shows that the Petitioners are not interested in prosecuting the case, and thus the Petition is liable to be dismissed for default for non-prosecution of the case.
6. In the result, **C.P. (IB)No.54/BB/2020** is dismissed for default for non-prosecution of the case. No order as to costs.


ASHUTOSH CHANDRA
MEMBER, TECHNICAL


RAJESWARA RAO VITTANALA
MEMBER, JUDICIAL.

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