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**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

Rst.A/8(CHE)/2021 IN IBA/1416/2019

(Filed under Rule 48 of NCLT Rules, 2016)

In the matter of **Fujitec India Pvt. Ltd**

Fujitec India Private Limited

Plot No. 52, I Main Road, 8th Avenue,
Mahindra World City
Chengalpattu
Kancheepuram Dist, PIN- 603 004

... Applicant

-Vs-

Guru Ragavendra Foundations Pvt Limited
Old No: 96/1, New No: 35 , R Block, 3rd Main Road,
Near K-4, Police Station, Anna Nagar,
Chennai, Tamil Nadu- 600 040.

... Respondent

Present:

For Applicant : A. Narayanan, Advocate

CORAM :

**R. SUCHARITHA, MEMBER (JUDICIAL)
SAMEER KAKAR, MEMBER (TECHNICAL)**

Order Pronounced on **26th November 2021**

ORDER

Per: SAMEER KAKAR, MEMBER (TECHNICAL)

The present Application has been filed by the Applicant under Rule 48(2) of NCLT Rules, 2016 seeking relief as follows;

"Hence the Applicant Prays that, in the interest of justice this Hon'ble Court may be pleased to set aside the order dated 13.09.2021 dismissing the Company

*Petition IBA/1416/2019 and to restore the Company
Petition IBA/1416/2019 to file and thus render justice."*

2. The Learned counsel for the Applicant submitted that in the hearing dated 03.09.2021 of IBA/1416/2019. Further, it is submitted that the counsel misheard the date of the hearing, which was 13.09.2021 as 30.09.2021. Subsequently this Tribunal dismissed IBA/1416/2019 vide order dated 13.09.2021 for non-prosecution.

3. It was submitted that the non-appearance on the part of the Applicant, is owing to old age of 72 years. Further, the counsel submitted that mishearing of the next hearing date was a bona fide error on his part and has also adduced a affidavit sworn by the Applicant's counsel.

4. The reason stated by the Applicant / Operational Creditor appears to be reasonable and plausible. Further this Tribunal is also satisfied that there was sufficient cause for the Petitioner for his non-appearance before this Tribunal on 13.09.2021. Hence this Tribunal is of the considered view that Rst.A.(IBC)/8/CHE/2021 should be restored back on file, subject to the payment of **Rs.25,000/-** (*Rupees Twenty Five Thousand Only*) by the Applicant to the **PM National Relief Fund** within a period of 2 weeks from today. Accordingly, IBA/1416/2019 stands restored back on the file of this Tribunal.

5. The Registry shall forward the copy of this order to both the parties. The petitioner shall also forward this order along with notice of next date of hearing of IBA/1416/2019, to the Respondent and file proof of service in the Registry of this Tribunal before the next date of hearing.

6. Accordingly, **Rst.A /8/CHE/2021** stands **allowed**.

-Sd-
SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-
R. SUCHARITHA
MEMBER (JUDICIAL)

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