

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Restoration Application No. 1 of 2023
in
Company Appeal (AT) (Insolvency) No. 1523 of 2022
&
I.A. No. 4841 of 2022

IN THE MATTER OF:

Simoco Telecommunications (South Asia Pvt. Ltd.)

...Appellant

Versus

Hytera Communications Corporation Limited

...Respondent

Present:

For Appellant: Mr. Chiron Singhi, Advocate

For Respondent: Mr. Preet Pal Singh, Mr. Saurabh Sharma, Advocates

With
Company Appeal (AT) (Insolvency) No. 1116 of 2022
&
I.A. No. 3328 of 2022

IN THE MATTER OF:

Hytera Communications Corporation Limited

...Appellant

Versus

Simoco Telecommunications (South Asia) Ltd.

...Respondent

Present:

For Appellant: Mr. Preet Pal Singh, Mr. Saurabh Sharma, Advocates

For Respondent: Mr. Chiron Singhi, Advocate

ORDER

24.03.2023:

Company Appeal (AT) Ins. No. 1523 of 2022:

1. Restoration Application No. 1 of 2023 in C.A.(AT) Insolvency No. 1523 of 2022 has been filed praying for recall of the Order dated 04.01.2023 by which the Appeal was dismissed for non-prosecution.

2. On 04.01.2023, this Appeal was dismissed as fresh matter. We find sufficient ground to recall the Order dated 04.01.2023. Restoration Application No. 1 of 2023 is allowed, Order dated 04.01.2023 is recalled and Company Appeal (AT) Ins. No. 1523 of 2022 is restored.

3. I.A. No. 4841 of 2022. This is an application praying for condonation of delay in filing the Appeal. The Appeal has been filed against the Order dated 12.07.2022. The Appeal has been e-filed on 24th August, 2022 hence the delay in e-filing of the Appeal is 12 days.

4. It is stated in the application that after receiving the order, the applicant wanted to procure the documents and instruct the counsel and due to severe health condition, delay was caused.

Cause shown sufficient. Delay is condoned. I.A. No. 4841 of 2022 is allowed.

Company Appeal (AT) Ins. No. 1116 of 2022:

5. I.A. No. 3328 of 2022. This is an application praying for condonation of delay in filing the Appeal being C.A. (AT) Ins. No. 1116 of 2022. The Appeal has been filed against the Order dated 12.07.2022 and the Appeal was e-filed on 26th August, 2022. The delay in e-filing of the Appeal is 15 days. The grounds taken in the application is that registered office of the Appellant Company is in China

Company Appeal (AT) Ins. No. 1116, 1523 of 2022

which took considerable amount of time for necessary instructions to be obtained for purposes of assailing the order impugned.

Cause shown sufficient. Delay is condoned. I.A. No. 3328 of 2022 is allowed.

List both these Appeals on **24th April, 2023**.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Basant/nn