

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
KOLKATA BENCH- II**

KOLKATA

IA(IBC)/1083/KB/2021

IN

C.P (IB) No.2168/KB/2019

In the matter of

An application under Rule 48 (2) read with Rule 11 of the National Company Law Tribunal Rules, 2016 .

And

In the matter of:

M/s Bharat Overseas.

... Petitioner

Versus

In the matter of:

Ragni International Private Limited

...Corporate Debtor

Date of hearing :18/01/2023

Order Pronounced on : 07/02/2023

Coram:

Mrs. Bidisha Banerjee, Member (Judicial)

Mr. Balraj Joshi, Member (Technical)

Counsels appeared through Physically/ Video Conference

Ms.M.Das, Adv.] For the Respondent

Mr. S.Bose,Adv.]

Ms. A.Chowdhury,Adv.]

ORDER

Per: Bidisha Banerjee, Member (Judicial)

1. Ld. Counsel for the parties was heard.

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2. This IA has been filed by the Operational Creditor with prayer to recall the order dated 02/11/2021 passed by this Tribunal and restore the petition CP No. 2168 /KB/2019.
3. It is noticed that on 02/11/2021, this Tribunal noted that nobody appeared on behalf of the Operational Creditor on 15/10/2020 and the same is dismissed for default, having recorded as under :_
1. Nobody presents for the Operational Creditor. Ld. Counsel for the Corporate Debtor present.
 2. It would appear from the record that nobody appeared on behalf of the Operational Creditor on 15/10/2020, 14/12/2020, 01/02/2021, 24/03/2021 and also today. It indicates that the Operational Creditor is not interested in pursuing the matter. CP is dismissed in default of non- appearance.
 3. File be consigned to the Records”.
4. The present application has been filed on 02/11/2021 under Rule 48 (2) of the *NCLT Rules, 2016*. Contents of which~ read as under:
- “ Where the petition or application has been dismissed for default and the applicant files an application within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the petition or the application was called for hearing, the Tribunal shall make an order restoring the same;*
- Provided that where the case was disposed of on merits the decision shall not be re-opened”.*
5. In view of the fact that the application was filed within 30 days as provided in the Rules but not by way of an appropriate application, the present IA is dismissed with liberty to the applicant to come with a fresh one in accordance with rules.

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6. Accordingly, **IA(IBC)/1083/KB/2021** is dismissed with the liberty.
 7. Certified copy of the order may be issued to all the concerned parties, if applied for, upon compliance with all requisite formalities.

(Balraj Joshi)
Member (Technical)

(Bidisha Banerjee)
Member (Judicial)

Order signed on the 7th day of February, 2023

PJ.