



S.No.7

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – 1**
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON
31-03-2023 AT 10:30 AM

IA (IBC) 708/2021 in CP(IB) No.673/7/HDB/2019
u/s. 7 of IBC, 2016

IN THE MATTER OF:

Bank of India

...Financial Creditor

VS

ECI Infra Towers Company Pvt Ltd (Corporate Guarantor of ECI Engineering & Construction Co.Ltd)

...Corporate Debtor

C O R A M:-

DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)
SH. CHARAN SINGH, HON'BLE MEMBER (TECHNICAL)

O R D E R

IA (IBC) 708/2021

We have heard the Learned Senior Counsel Sri Sumanth Batra, for R-1 and Ms. Bharati, for Liquidator/Applicant, Shri VVSN Raju along with Shri Srikant Rathie for R-2. Perused, the record and the sworn affidavit of the representative of the first respondent filed on 21.03.2023, and also the affidavit of second respondent filed on 31.03.2023.

The deponent of the affidavit filed on behalf of first respondent stated that the first respondent has greatest respect for this Adjudicating Authority and would not intentionally or otherwise violate, any order passed by this Adjudicating Authority or do anything disrespectful of this Adjudicating Authority and also submitted unconditional apology on behalf of the first respondent to this Adjudicating Authority.

Similarly, the second respondent in his affidavit has stated so.



Hon'ble Supreme Court in re, Balakishan Giri Versus U.P, 2014, 7SCC page 280 had considered as to when can an apology be considered and held as below:

“Apology cannot be a defence, Justification or calculated strategy to avoid punishment for an act which tantamount to contempt of Court, and is not to be accepted as a matter of course. However, apology can be accepted where conduct for which apology given is such that it can be ignored without compromising dignity of Court, or evidences really contrition, and sincere. Apology cannot be accepted where it is hollow, there is no remorse, no regret, no repentance, or if it is only a device to escape rigour of law it is merely paper apology.”

Having tested the affidavits filed on behalf of the first respondent, and by the second respondent, on the touch stone of the above ruling, besides taking into consideration the facts and the circumstances of the case, we are convinced that non-compliance of our order is neither intentional nor wilful, besides there is no intention to damage the reputation of the Tribunal. We are therefore satisfied that the apology can be accepted.

Hence, we are hereby discharge the respondents from the proceedings in IA No.708/2021. Accordingly, IA.No.708/2021 is disposed of. No costs.

Sd/-
MEMBER (T)

Sd/-
MEMBER (J)