

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 747 of 2023

IN THE MATTER OF:

**Kairav Anil Trivedi IRP for Parenteral Drugs India Ltd
Interim Resolution Professional
Versus**

...Appellant

State Bank of India & Anr.

...Respondents

Present:

For Appellant : Kairav Anil Trivedi, in person
For Respondents : Advocate Palash Agarwal

O R D E R

01.06.2023 Heard Learned Counsel for the parties.

2. This Appeal has been filed by Kairav Anil Trivedi, IRP challenging the Order dated 12th May, 2023. Order dated 12th May, 2023 has been passed on I.A. No. 1874 of 2023 which was filed by the State Bank of India.

3. The Appellant appearing in person submits that he was not served with the physical copy of the Application and due to certain personal difficulties, when he was informed on 11th May, 2023, he told that he had some personal difficulty and he was not able to appear on 12th May, 2023 and the Adjudicating Authority passed order on 12th May, 2023 which is causing serious adverse consequences.

4. Learned Counsel for the Respondent refuting the submissions of Appellant submits that Application was very much served on 2nd May, 2023 and the Court directed to inform the Appellant and the Respondent informed but he refused to appear.

5. Be that as it may, the Order dated 12th May, 2023 is claimed to be an ex-parte order. Under Rule 49 of NCLT Rules, 2016, The Appellant is entitled to file an application to recall the said order. As the court has already fixed 22th June, 2023, Appellant may file an Application before the Adjudicating Authority within one week from today which may also be taken into consideration on 22th June, 2023 which is next date fixed in the matter.

6. with above observations, the Appeal is disposed of.

[Justice Ashok Bhushan]
Chairperson

[Naresh Salecha]
Member (Technical)

Basant B/nn