

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 607 of 2021

IN THE MATTER OF:

M.K. Pandey

...Appellant

Versus

**R. Subramania Kumar
Administrator DFHL & Ors.**

...Respondents

Present:

For Appellant : Mr. Rishabh Gupta, Proxy Counsel

**For Respondent : Mr Ketan Gaur, Mr. Ayush Mitruka and Ms. Lisa Mishra, Advocates for R-2.
Mr. Raunak Dhillon, Ms. Madhavi Khanna and Ms. Niharika Shukla, Advocates for R-3.**

With

Company Appeal (AT) (Insolvency) No. 852 of 2021

IN THE MATTER OF:

Ajay Kumar Thakur

...Appellant

Versus

**R. Subramania Kumar
Administrator DFHL & Ors.**

...Respondents

Present:

For Appellant : Mr. Rishabh Gupta, Proxy Counsel

**For Respondent : Mr Ketan Gaur, Mr. Ayush Mitruka and Ms. Lisa Mishra, Advocates for R-2.
Mr. Raunak Dhillon, Ms. Madhavi Khanna and Ms. Niharika Shukla, Advocates for R-3.**

O R D E R

06.09.2022 Today again when the appeal was called out under the caption for Hearing, a request was made on behalf of the Appellant for granting further time for filing rejoinder. This prayer was seriously opposed by Mr. Ketan Gaur, Learned Counsel appearing on behalf of Respondent No.2

as well as Mr. Raunak Dhillon, Learned Counsel for Respondent No.3 on the ground that one way or the other, the Appellant is simply delaying commencement of hearing in the present appeal. Learned Counsel for the Respondent No.3 has drawn our attention to an order passed on 20.12.2021, whereby this Tribunal granted time for filing 'Rejoinder' with 'Written Submissions', if any, after exchanging between the parties well in advance before the next date and next date was fixed to 28.01.2022.

Again on 28.01.2022, four weeks' time was further granted for filing rejoinder and it was directed to list the appeal, under the heading for 'Hearing' on 22.03.2022. However, on two dates i.e. 22.03.2022 and 05.05.2022 the appeal could not be taken up due to paucity of time and by order dated 05.05.2022 it was directed to be listed on 18.07.2022.

On 18.07.2022, when the appeal was taken up there was non-appearance on behalf of the Appellant. On 18.07.2022 also Learned Counsel for the Respondents drew our attention to earlier order, whereby time was granted for filing rejoinder. The Appeal was directed to be listed on 25.07.2022.

On 25.07.2022 on the ground of personal difficulty of Learned Counsel appearing on behalf of the Appellant, the Appeal was adjourned and was directed to be listed for today i.e. 06.09.2022. Despite, adjournment till date, no rejoinder has been filed, nor, Learned Counsel for the Appellant, himself preferred to appear before this Tribunal.

When the Appeal was called out the Learned Counsel for the Appellant preferred not to appear instead, Mr. Rishabh Gupta, Proxy Counsel made a prayer for adjournment for filing rejoinder. The prayer for filing rejoinder is

refused. Since there is non-appearance on behalf of the Appellant, the Appeal stands dismissed due to non-prosecution.

[Justice Rakesh Kumar]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

pks/gc