

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) No. 152 of 2018**

**IN THE MATTER OF:**

**S. K. Beri** **...Appellant**  
**Vs**  
**Deepak Beri & Ors.** **....Respondents**

**With**

**Company Appeal (AT) No. 153 of 2018**

**IN THE MATTER OF:**

**S. K. Beri** **...Appellant**  
**Vs**  
**Deepak Beri & Ors.** **....Respondents**

**Present:**

**For Appellant:** **Ms. Priya Kumar and Mr. Adhish Srivastava, Advocates.**

**For Respondents:** **Mr. Darpan Wadhwa, Sr. Advocate with Mr. K. Datta, Mr. Shantanu Parashar and Mr. Aditya Gupta, Advocates for R-1.**

**Mr. Shreyas Mehrotra, Advocate for R-2, 3 & 4.**

**ORDER**

**25.05.2018:** **Company Appeal (AT) No. 152 of 2018** – The appellant has preferred this appeal against order dated 21<sup>st</sup> March, 2018 passed by National Company Law Tribunal, Court No. III, New Delhi (in short ‘Tribunal’) in C. P No. 219/ND/2017 whereby and wherein the Appellant’s prayer to accept reply which he has filed belatedly, has been rejected.

2. The Appellant submitted that the Appellant's right to file the reply was closed by the Tribunal, though the pleading have been completed by the other respondents. It is further submitted that due to ill health of the Appellant he could not prefer the application within time. The Appellant is 84 years old and suffering from heart ailment with a history of chronic renal ailment.

3. On notice respondents have appeared. Learned counsel for the Respondent submits that they have no objection if the reply is accepted.

4. Taking into consideration the stand taken by the Appellant and the fact that he is aged about 84 years and suffering from heart ailment and that the Respondents have no objection if the reply is accepted, we set aside the impugned order dated 21<sup>st</sup> March, 2018. The Tribunal is directed to accept the reply and keep it on record.

5. The parties are directed to appear before the Tribunal on 29<sup>th</sup> May, 2018 to fix the date for hearing. We also direct the parties not to ask for unnecessary adjournment. The Tribunal may proceed with the matter and conclude the same on hearing, if possible, on an early date. The Appeal stands disposed of with aforesaid observations.

**Company Appeal (AT) No. 153 of 2018** - This appeal has been preferred by the Appellant against order dated 19<sup>th</sup> April, 2018 passed by the Tribunal in the aforesaid case in C.P. No. 219/ND/2017 whereby and whereunder the Tribunal refused to recall the order dated 21<sup>st</sup> March, 2018.

2. Having heard learned counsel for the parties and taking into consideration the fact that order dated 21<sup>st</sup> March, 2018 has been set aside, we hold that this appeal has become infructuous. The appeal is accordingly disposed of.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

*am/gc*