

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Ins) No.826 of 2019**

**IN THE MATTER OF:**

**Canbank Factors Ltd.**

**...Appellant**

**Versus**

**Dharmendra Kumar**

**...Respondent**

**Present:**

**For Appellant:           None**

**For Respondent:       Shri Rohit Rathi, Advocate**

**ORDER**

**22.08.2019**       On 19<sup>th</sup> August 2019, nobody appeared on behalf of the Appellant. The Counsel for the Respondent was present. Therefore, we adjourned the matter.

Today, nobody appears for the Appellant though counsel for the Respondent is present. The Appellant sought for recalling of the Order dated 27<sup>th</sup> November, 2018 by an Application before the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench – III, New Delhi but by Impugned Order dated 8<sup>th</sup> July, 2019, the Adjudicating Authority refused to recall the same as the Appeal preferred against the said Order before this Appellate Tribunal was not entertained. Therefore, the Adjudicating Authority held that the Order dated 27<sup>th</sup> November, 2018 having merged with the Order passed by the Appellate Tribunal on 14<sup>th</sup> May, 2019, it was not open to the Adjudicating Authority to recall the Order dated 27<sup>th</sup> November, 2018.

For aforesaid reasons, we are not inclined to interfere with the Impugned Order. The Appeal is dismissed.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice A.I.S. Cheema]  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

*/rs/gc*