

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**Restoration Application No. 01 of 2019
IN
Company Appeal (AT) No. 345 of 2018**

IN THE MATTER OF:

M/s. Vis-Ram Financial Services Pvt. Ltd. ...Appellant

Vs.

M/s. Metafilms (India) Ltd. & 33 Ors. ...Respondents

Present: For Appellant: - Mr. Prakash Goklaney, Advocate.

For Respondents:- None.

O R D E R

09.01.2019— On 3rd January, 2019, when this Restoration Application was taken up the following order was passed:

“03.01.2019— This restoration application has been filed for restoration of the Company Appeal (AT) No. 345 of 2018. The said appeal was taken up on 12th October, 2018 when the following order was passed:

“12.10.2018 After hearing for a while, learned counsel for the appellant seeks to withdraw the appeal. Appeal is accordingly dismissed as withdrawn.”

Contd/-.....

2. In view of the fact that the counsel for the Appellant sought permission to withdraw the appeal and it was dismissed as withdrawn, prima facie we are of the view that the restoration application is not maintainable. However, with a view to give an opportunity to the learned Senior Counsel, we adjourn the matter.

Post the matter 'for orders' on 9th January, 2019."

2. Mr. Prakash Goklaney, learned counsel appearing on behalf of the Appellant submits that the Appellant had not instructed the counsel to withdraw the appeal. In this regard, we may mention that when the appeal was earlier taken up on 12th October, 2018, this Appellate Tribunal on consideration of the case on merits, when expressed opinion to dismiss the appeal, learned counsel for the Appellant sought permission to withdraw the appeal which was allowed.

3. In this circumstances, we are not inclined to restore the application. Restoration Application No. 01 of 2019 is dismissed.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/g