

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI
COMPANY APPEAL (AT) (INSOLVENCY) NO.534 OF 2019

In the matter of:

Khurana & Co

Appellant

Vs

Polo Amusement Park Ltd

Respondent

Mr. Shiva Nand Mishra and Mr. Amit Singh, Advocates for Appellant.

Mr. Devashish Maharishi, Advocate for Respondent.

ORDER

02.12.2019- Learned counsel for the appellant seeks two weeks' time to file rejoinder. Learned counsel for the Respondent opposes the prayer and submits that ample opportunity has been given to the appellant, therefore, the prayer may be rejected.

2. We have gone through the earlier order sheets. The reply has been filed by the Respondent on 9th August, 2019 and till date the appellant has not filed any rejoinder and he is again seeking time to file rejoinder. We find no ground to grant further time to file the rejoinder.

3. Thus the prayer is declined.

4. Learned counsel for the appellant is asked to argue the matter on merit. He is not ready to argue the matter.

5. We have gone through the impugned order dated 26.03.2019 passed by the NCLT Delhi which read as under:-

"It is seen from the record of proceedings as well as from the previous hearing on 12.03.2019 and 19.03.2019 that a last and final opportunity was given to the petitioner to file the additional documents in order to establish the case. However, no additional documents have been filed in the case and further time is sought. The same is vehemently objected to by Ld. Counsel appearing for the Corporate Debtor. In the circumstances, right to file the additional documents is closed.

Further, an opportunity was also granted to Ld. Counsel for the petitioner to proceed with the matter today. However, an adjournment is sought for on his behalf.

In the circumstances, this Tribunal is not in a position to grant further opportunity for making submissions and hence we are constrained to dismiss this petition for non-prosecution on the part of petitioner.”

6. With the above it is apparent that the appellant is only dragging the proceedings which is pending since 8.5.2019. Therefore, we are constrained to dismiss the appeal for **non-prosecution**.

(Justice Jarat Kumar Jain)
Member (Judicial)

(Mr. Balvinder Singh)
Member (Technical)

(Dr. Ashok Kumar Mishra)
Member (Technical)

Bn/nn