

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 1422 of 2023**

**In the matter of:**

**Seya Industries Ltd.**

**....Appellant**

**Vs.**

**Central Bank of India**

**...Respondent**

**For Appellant**

**Mr. Abhijeet Sinha, Mr. Puneet Jain, Ms. Christi Jain, Mr. Harsh Jain, Mr. Umang Mehta, Mr. Aditya Shukla, Advocates.**

**For Respondent**

**Mr. Ravi Raghunath, Ms. Aakash Lodha, Mr. Rathina Maravarman, Advocates.**

**ORDER**

**02.11.2023:** Heard Learned Counsel for the Appellant as well as Counsel appearing for the Central Bank of India.

2. This Appeal has been filed against the order dated 18.10.2023 passed by the Adjudicating Authority (National Company Law Tribunal), Court-V, Mumbai Bench, which order records:-

*“None for the Respondent despite service. The Counsel for the Petitioner seeks time to place on record the written submissions and tabulation of the dates and events. Allowed as prayed for. The Counsel for the Petitioner submits that the list of events shall also be sent to the given address of the Corporate Debtor. Let the needful be done before the next date of hearing. List the matter on 26.10.2023.”*

3. Learned Counsel for the Appellant submits that the Appellant received the notice of the Appeal on 26.10.2023, hence, it was not possible to appear on 26.10.2023.

4. Learned Counsel for the Bank, however, dispute the statement and submits that it was served in March, 2023.

5. On 26.10.2023, when the matter was taken up before the Adjudicating Authority, Counsel for the Respondent (Appellant herein) prayed for time to file Reply and matter was adjourned to 30.10.2023 and now both the parties submits that the matter was fixed for 06.11.2023 but it was not shown in the list.

6. The grievance of the Appellant is that the petition which runs into 2059 pages, a reasonable time was required for filing the reply and on 26.10.2023 time was allowed for reply and matter was adjourned to 30.10.2023 which was insufficient for filing a reply.

7. In facts of the present case, we see no reason to entertain the Appeal and keep it pending. Learned Counsel for the Appellant submits that the NCLT, Mumbai is closed from 11.11.2023 to 19.11.2023 and shall be re-opening only on 20.11.2023. In facts of the present case, we are of the view that in the ends of justice be served in disposing the Appeal by giving liberty to the Appellant to file their reply on re-opening day i.e. on 20.11.2023. Counsel for the Bank may also file its rejoinder within a week thereafter. We request the Adjudicating Authority to fix 30.11.2023 as date in the Company Petition to hear the parties and decide in accordance with law.

8. The Appeal is disposed of. Copy of this order be produced by the Appellant on re-opening i.e. on 20.10.2023.

**[Justice Ashok Bhushan]  
Chairperson**

**[Barun Mitra]  
Member (Technical)**

**[Arun Baroka]  
Member (Technical)**

***Anjali/nn***