

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

**Restoration Application No. 07 of 2018**  
**In**  
**Company Appeal (AT) (Insolvency) No. 314 of 2017**

**IN THE MATTER OF:**

**Shaw Traders**

**...Appellant**

**Vs.**

**Balaji Paper & Newsprint Pvt. Ltd.**

**...Respondent**

**Present: For Appellant: - Mr. Shiv Shankar Banerjee, Advocate**

**For Respondent: Mr. Mangaljit Mukherjee, Advocate**

**O R D E R**

**05.03.2018** Mr. Shiv Shankar Banerjee, Advocate for the applicant/appellant submits that due to accident and he was treated in AIIMS, New Delhi and, therefore, he could not appear on 13<sup>th</sup> December, 2017 and 15<sup>th</sup> December, 2017. Prayer has been made to restore the appeal. However, from the record we find that the appeal was dismissed on the ground of delay as also for non-prosecution.

In this regard, Mr. Banerjee submits that the appeal was not barred by limitation and though there was a delay in preferring the appeal for which an application for condonation of delay was filed, which could not be brought to the notice of this Appellate Tribunal as he could not appear.

Having heard learned counsel for the applicant/appellant and being satisfied with the ground, we recall the order dated 15<sup>th</sup> December, 2017 passed

in Company Appeal (AT)(Insolvency) No. 314 of 2017 and restore the appeal to its original file. Restoration Application No. 07 of 2018 stands disposed of.

Post the Company Appeal (AT) (Insolvency) No. 314 of 2017 along with application for condonation of delay, if any filed, on 12<sup>th</sup> March, 2018.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)

/ns/gc

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