

**National Company Law Appellate Tribunal, New Delhi**  
**Principal Bench**  
**Company Appeal (AT) (Ins) No. 693 of 2021**

**IN THE MATTER OF:**

**Gaurav Mahendru & Ors.**

**... Appellants**

**Vs.**

**Sunil Kumar Agrawal**

**...Respondent**

**Present:**

**For Appellant:-**

Mr. Kanwal Chaudhary, Advocates

**For Respondent:-**

Mr. Sunil Kr. Agrawal (RP), Mr. Manoj Kumar Garg,  
Advocates

**O R D E R**  
**(Virtual Mode)**

**08.09.2021:** Heard Ld. Counsel for the Appellant, he submits that Ld. Adjudicating Authority by the impugned order dated 26.07.2021 closed the right to file Reply of I.A. No. 1153 of 2021 without appreciating the difficulty of the Appellants. Thus, causing grave prejudice and irreparable injury to the Appellants. It is also submitted that the Appellants have filed the Reply on 10.08.2021 vide filing No. 0710102113782019, however, the same has not taken on record as the right to file Reply was closed. It is submitted that the impugned order may be set aside and Ld. Adjudicating Authority may be directed to take on record the Reply, filed by the Appellant.

2. Ld. Counsel for the Respondent supports the impugned order and submits that after granting ample opportunity, the Appellants have not filed reply of the Application, therefore, their right to file Reply was closed.

3. We have considered the submissions. We are of the view that at relevant time the Appellants were in Australia and due to some personal difficulty, they could not file the Reply in time.

4. Considered these facts the impugned order is set aside and the Adjudicating Authority is directed that the Reply of I.A. No. 1153 of 2021 which is filed by the Appellants be taken on record.

Thus, the Appeal is disposed of with the aforesaid directions. Pending I.A.s are also disposed of. No order as to costs.

**[Justice Jarat Kumar Jain]**  
**Member (Judicial)**

**[Dr. Ashok Kumar Mishra]**  
**Member (Technical)**

**[Dr. Alok Srivastava]**  
**Member (Technical)**

SC/md.