

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

**Company Appeal (AT) (Ins) No. 605 of 2022**

**IN THE MATTER OF:**

**Amrit Kumar Patel**

**...Appellant**

**Versus**

**Phoenix ARC Pvt. Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellant** : Mr. Karan Kohli, Mr. Vaibhav Mendiratta, Proxy  
Counsels

**For Respondent** : Ms. Nidhi Mehrotra, Advocate for R-1  
Mr. Rajat Chaudhary, Advocate for R-2 (IOB)

**ORDER**

**18.08.2023:** Again on call a prayer was made by Mr. Vaibhav Mendiratta, Ld. Proxy Counsel for adjourning the appeal on the ground of personal difficulty of Ld. Counsel for the Appellant. The prayer for adjournment was vehemently opposed by Ms. Nidhi Mehrotra, Ld. Counsel for Respondent No. 1 as well as Mr. Rajat Chaudhary, Ld. Counsel for Respondent No. 2. It was submitted on behalf of the Respondents that since long the appeal is being adjourned at the instance of Appellant on one ground or the other ground.

We have also perused the earlier orders. On 20.01.2023, on the ground of personal difficulty of Mr. Abhishek Anand, Ld. Counsel for the Appellant, the appeal was adjourned. Again on 23.03.2023, on the same ground adjournment was sought for which was opposed by Ms. Mehrotra, Ld. Counsel for

Respondent No.1. However, on the ground of personal difficulty we defer the hearing. Thereafter lastly on 14.07.2023 also the case was adjourned on the request made on behalf of the Appellant and today again same stand has been taken. The court is of the opinion that the Appellant appears to be not interested to pursue the matter. However, without going into the merit of the appeal we are proposing to dismiss this appeal due to non-prosecution.

Accordingly, appeal is dismissed due to non-prosecution.

**[Justice Rakesh Kumar]**  
**Member (Judicial)**

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

sr/md

*Company Appeal (AT) (Ins) No. 605 of 2022*