

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

**Company Appeal (AT) (Insolvency) No. 668 of 2022**

**IN THE MATTER OF:**

**Samyak Metals Pvt. Ltd.**

**...Appellant**

**Versus**

**Ugro Capital Ltd.**

**...Respondent**

**Present:**

**For Appellant: Mr. Davesh Bhatia, Mr. Arjun Mahajan and Mr. Raghvendra V. Budholia, Advocates.**

**For Respondent: Mr. Arvind Kr. Jadon, Advocate.**

**ORDER**  
**(Virtual Mode)**

**08.06.2022:** Heard both sides.

The limited grievance of the Appellant in the instant Appeal is that the Adjudicating Authority in the impugned order dated 30.05.2022 in IB-705/ND/2021 passed by the National Company Law Tribunal, New Delhi, Court-IV shows that the Appellant/Respondent who have filed Reply before the Registry of the Adjudicating Authority had kept the same under the heading 'Objection' and the defects were not cured. Further, the Adjudicating Authority had opined in the order that its earlier order dated 08.04.2022 was not complied with and that the Reply was filed after approximately 51 days etc.

At this juncture, the Ld. Counsel for the Appellant brings it to the notice of this Tribunal that No. of days- 51 mentioned in the impugned order of the Adjudicating Authority is incorrect one and further that the Adjudicating Authority had listed the main matter for argument on 06.06.2022, and that the matter is now slated for arguments on 09.06.2022.

The Appellant has come up with the plea that he has suffered the legal grievance against the impugned order because of the fact that the right to file Reply of the Appellant/Respondent stood closed by virtue of the impugned order which has shut the door for the Appellant/Respondent to hear his grievance and to raise all available grievances both on facts and legal plane.

Be that as it may, this Tribunal at this stage, simpliciter, deems it fit and proper in adverting to Rule 34 of the NCLT Rules, 2016 under the caption General Procedure (1) which enjoins that in a situation not provided in these rules, the Tribunal (Adjudicating Authority) may for reasons to be recorded in writing, determine in the procedure in a particular case in accordance with the Principles of Natural Justice.

The primordial legal principle is that no man shall be without any opportunity of being heard and in the instant case, on technical aspect of the Appellant/Respondent keeping his Reply lying in the Registry based on the objection is not a proper one without delving deep in the matter any further and also at this stage this Tribunal is not expressing any opinion one way or other about the merits of the matter which is to be taken up on arguments on 09.06.2022. At this stage, to secure the ends of justice this tribunal for simpliciter directs the Adjudicating Authority (NCLT, ND, Court -IV) to receive the Reply to be filed by the Appellant/Respondent Counsel after curing the defects from the Office of the Registry and to file the same before the next date of hearing on 09.06.2022 without fail.

Needless to state that Appellant/Respondent shall provide the clean copy of the Reply to the Ld. Counsel for the Respondent/Petitioner before the next date of hearing on 09.06.2022.

It is apparently made quite clear that the Adjudicating Authority (NCLT, ND Court -IV) shall proceed with the aspect of hearing the argument in main Petition IB/705/ND/2021 as scheduled on merits and to proceed further, Of course in the manner known to law and in accordance with law, by passing a

reasoned speaking order and of course uninfluenced, untrammelled with any of the observations made by this tribunal in this Appeal.

Liberty is granted to the respective side to raise all factual and legal pleas before the Adjudicating Authority in main IB-705/ND/2021 and the Adjudicating authority shall deal with points raised and to pass the order in a just, fair and proper manner of course adheres to the Principle of natural justice. No costs.

With the true observation and direction, the Appeal stand disposed of.

All connected IA's are closed.

**[Justice M. Venugopal]  
Member (Judicial)**

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

sr/nn