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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 4208/2024**

DAVINDER JAOLLY & ORS.

.....Petitioners

Through: **Mr. Prasouk Jain and Ms. Shalini
Nair, Advocates.**

versus

AVTECH DIGITAL EQUIPMENTS PVT LTD & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **24.12.2024**

CM APPL. 76208/2024 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 4208/2024

1. Petitioner filed a petition under Section 9 of the Insolvency and Bankruptcy Code, 2016 [**'IBC'**] to initiate corporate insolvency resolution process against the respondent.
2. The learned Tribunal vide order dated 20.08.2024 granted the petitioners three days time as a last opportunity to comply with the previous order regarding uploading the petition online on the Tribunal's Portal (DMS Portal)
3. Learned counsel submits that petitioners filed affidavits and uploaded the documents on the DMC portal on 22.08.2024. However, vide order



dated 04.09.2024, the Tribunal was of the view that application was not on record and therefore inclined to grant further time to the petitioners and dismissed the petition for non-compliance.

4. Learned counsel has drawn the attention of this Court to the screen shot/NCLT receipt which shows two entries regarding uploading of petition on 22.08.2024. Petitioners have also placed on record the screen shot of NCLT portal showing the status as on 07.09.2024.

5. Learned counsel submits that while filing the restoration application, these screen shots were shown to the Tribunal but without considering the same, the petition has been dismissed for non-compliance without passing speaking order.

6. The screen shots placed on record prima facie show that the application was uploaded on DMS portal. Under these circumstances, the orders dated 04.09.2024 and 17.10.2024 are set aside with direction to the petitioners to move fresh application for restoration along with requisite documents, whereupon the NCLT shall verify the documents and pass reasoned order on such application. It is made clear that their court has requisite not passed any order on the merits of the case and all rights and contentions are reserved.

7. The petition is disposed of in terms of the abovesaid order.

RAVINDER DUDEJA, J

DECEMBER 24, 2024/ib