

08.12.2025
Ct. No. 06
Item No.2
Cp

C.O. No. 3934 of 2025

M/s. Jainco Projects (India) Limited & Anr.
Vs.
UCO Bank

Mr. Ratul Das
Mr. S. Pathak
Mr. Arjun Ray
Mr. Kamran Hussain

.....for the petitioners.

Mr. Santosh Kr. Ray
Ms. R. Sanyal
Ms. Ashmita Lohia

.....for the opposite party.

The petitioners are aggrieved by the orders dated September 10, 2025 and October 29, 2025, by which the National Company Law Tribunal, Kolkata Bench, Kolkata had fixed the matter for ex parte hearing and, thereafter, proceeded with the matter and reserved the orders.

The petitioners submit that on September 10, 2025, a learned advocate had been engaged, but the said learned advocate failed to take steps before the NCLT. As virtual hearing was not available, the petitioners were not in a position to understand the lapse on the part of the learned advocate.

On October 29, 2025, learned advocate Mr. Hossain was appearing and had prayed for an adjournment with an undertaking to file the vakalatnama. However, the learned tribunal recorded that none was present on

behalf of the petitioners and the matter was reserved for orders, ex parte.

Learned advocate for the financial creditor/opposite party submits that the petitioners were well aware about the proceeding. Summons were duly served. The petitioners chose not to contest the proceeding and even did not file the vakalatnama. Under such circumstances, the learned tribunal had no other alternative, but to proceed with the matter ex parte.

Admittedly, proceeding before the NCLT is time bound. The petitioners do not dispute that summons had been served. The petitioners' case is that the learned advocate who was engaged to take steps failed to do so on September 10, 2025, which resulted in fixing the matter for ex parte hearing. The further contention of the petitioners is that, one Mr. Hossain, learned advocate was present before the NCLT on October 29, 2025, and he prayed for an adjournment with an undertaking to file the vakalatnama. The petitioners submit that, only on October 27, 2025, the order dated September 10, 2025 was uploaded, as such, the petitioners were not aware that the matter had been fixed for ex parte hearing on October 29, 2025.

Under such circumstances, this court is of the view that ends of justice demand that, the petitioners should be given an opportunity to contest the proceeding. Thus,

the ex parte hearing of the matter is set aside. The orders impugned are also set aside.

The petitioners shall be granted an opportunity to file their written objection to the application filed by the financial creditor. Such objection will be filed within two weeks from date. The learned tribunal will proceed de novo.

However, the failure of the learned advocate to take steps should not be prejudicial to the interest of the financial creditor. Hence, cost of Rs.50,000/- shall be paid to the financial creditor/opposite party by the petitioners within a week from date.

The written objection to be filed by the petitioners as per the liberty granted by this court, shall be accepted subject to payment of such cost.

This court has not gone into the merits of the matter.

It is made clear that the petitioners should be vigilant and the learned tribunal shall not grant any unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)