

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

Company Appeal (AT) (Insolvency) No.781 of 2024

IN THE MATTER OF:

State Bank of India

...Appellant

Versus

Supreme Panvel Indapur Tollways Pvt. Ltd.

...Respondent

Present:

For Appellant: Present but appearance not marked.

For Respondent:

ORDER
(Hybrid Mode)

24.04.2024: Heard learned counsel for the Appellant. This Appeal has been filed against order dated 04.04.2024 passed by the Adjudicating Authority by which order the Adjudicating Authority while granting further time to file rejoinder imposed cost of Rs.25,000/- and also directed that AGM/concerned Branch Manager to be present before the Bench on the next date of hearing and further directed to forward a copy of the order to the concerned Branch Manager and IBBI.

2. Learned counsel for the Appellant submits that the Corporate Debtor has filed reply only on 22.02.2024 which was served on the Appellant on 22.02.2024 in morning and on that day the Adjudicating Authority passed following order:

“ORDER

Learned counsel for the respondent-Corporate debtor has stated that reply has been e-filed and this

Cont'd.../

fact is admitted by the Ld. Counsel for the petitioner-Financial Creditor. Let the hard copy of the same be filed during the course of the day. Rejoinder thereto, if any, be filed within one week with a copy in advance to the counsel opposite. Learned counsel for both the parties are directed to file short-written submissions at least one week before the next date of hearing by exchanging copies with each other.

List on 04.04.2024 for arguments.”

3. On 04.04.2024 when case was taken, a request was made on behalf of the Appellant – State Bank of India to allow further time to file Rejoinder Affidavit on which although the Adjudicating Authority allowed time but issued 3 directions:

- (i) Opportunity to file Rejoinder with a cost of Rs.25,000/- to be paid in favour of the 'Prime Ministers' Relief Fund'.
- (ii) Petitioner is directed to inform the AGM/concerned Branch Manager to be present before the Bench on the next date of hearing to pursue the case.
- (iii) Copy be sent to the concerned Bank Manager and IBBI.

4. It is well settled that Court while extending time for filing pleading can impose reasonable cost on the parties. We, thus, are of the view that in so far as imposition of cost of Rs.25,000/- for extending time for filing rejoinder, no exception can be taken but we do not find any reason to pass other two directions.

5. We, thus, are of the view that ends of justice be served in disposing of this appeal by maintaining the order of the Adjudicating Authority granting time for filing rejoinder with cost of Rs.25,000/-, however, two other orders are deleted from the order.

6. Learned counsel for the Appellant submits that rejoinder and written submission has already been filed on 19.04.2024. He seeks and is allowed one day's time to deposit the cost. Appeal is disposed of accordingly.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Archana/nn