

**THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
COURT-V**

Restoration Application (IBC)/16 (ND) 2026

in

CP(IB) No. 489/ND/2025

IN THE MATTER OF: -

M/s ZEAL IMPRESSIONS PVT. LTD.

...Corporate Debtor/ Corporate Applicant

CORAM:

**SHRI MANNI SANKARIAH SHANMUGA SUNDARAM,
HON'BLE MEMBER (JUDICIAL)**

**MS. REENA SINHA PURI
HON'BLE MEMBER (TECHNICAL)**

Order Delivered on: 12.06.2026

PRESENT:

For the Appellant : Ms. Nishi Chaudhary,
Mr. Yashartha Gupta,
Mr. Mayuresh Rishabh, Advs.

ORDER

1. Under consideration is an application bearing Restoration Application (IBC)/16 (ND) 2026 by Mr. Jatin Gupta, Director of M/s ZEAL IMPRESSIONS PVT. LTD. (Applicant), filed under Rule 11 of National Company Law Tribunal Rules, 2016, seeking the following reliefs:

a) Allow the present Application for Recall and set aside of the order dated 08.12.2025 passed by this Hon'ble Tribunal in CP(IB) No. 489/ND/2025 whereby the petition filed under Section 10 of

the Insolvency and Bankruptcy Code, 2016 was dismissed for non-prosecution;

b) Restore CP(IB) No. 489/ND/2025 to its original stage and list the same for hearing on merits in the interest of justice; c) Permit the Applicant to file the additional documents as directed vide order dated 12.09.2025, within such time as this Hon'ble Tribunal may deem fit;

d) Pass such other further order(s) as this Hon'ble Tribunal may deem fit in the interest of justice.

- 2.** As per the averments made in this application, the applicant has sought restoration of Company Petition (I.B.) NO. 16 of 2026 which was dismissed by this Adjudicating Authority for non-prosecution vide order dated 08.12.2025.
- 3.** The Applicant submitted that this Adjudicating Authority, vide order dated 12.09.2025, had directed the Applicant to file certain documents, pursuant to which the matter was listed on 30.10.2025. Though the learned counsel for the Applicant was duly present on 30.10.2025, due to an inadvertent and bona fide error at the stage of recording/marking of appearance, the presence of the Applicant's counsel was mistakenly reflected under the column of the Respondent, and consequently, the record indicated "no appearance" on behalf of the Applicant. On the next date, i.e., 08.12.2025, the learned counsel for the Applicant appeared and sought time to file the requisite documents; however, this Hon'ble Tribunal, taking note of the previous date as "no appearance" and the

non-filing of documents, was pleased to dismiss the petition for non-prosecution.

4. The Applicant submits that the dismissal of the petition vide order dated 08.12.2025 was purely procedural and not on merits, having occurred due to an inadvertent error in marking of appearance and a delay in filing documents, both bona fide lapses without any intention to abandon the proceedings. It is further submitted that dismissal for non-prosecution does not constitute an adjudication on merits and, therefore, does not preclude recall or restoration, particularly when sufficient cause for the procedural lapse has been demonstrated.
5. For ready reference, it would be appropriate to mention here the provisions of Rule 11 and Rule 48 of NCLT Rules, 2016 :-

Rule 11. Inherent Powers: "Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such orders as may be necessary for meeting the ends of justice or to prevent abuse of the process of the Tribunal."

Rule 48. Consequence of non-appearance of applicant:

(1) Where on the date fixed for hearing of the petition or application or on any other date to which such hearing may be adjourned, the applicant does not appear when the petition or the application is called for hearing, the Tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit.

(2) Where the petition or application has been dismissed for default and the applicant files an application within thirty days from the date

of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the petition or the application was called for hearing, the Tribunal shall make an order restoring the same.

- 6.** As per the provisions enumerated under Rule 11, Tribunal is vested with inherent powers to make such orders as may be necessary for meeting the ends of justice or to prevent abuse of process of the law. The Court of law or Tribunal may use its inherent power only in that case where no specific provision regarding the matters has been enumerated in any Rule of Law. So far as this matter is concerned, Rule 48 as mentioned (supra) enumerates that when an Applicant has defaulted in appearing before the Tribunal and the case has been dismissed for default, as per the Rule 48(2), if the Applicant files an application within 30-days from the date of dismissal and satisfies the Tribunal that there are sufficient causes for his non-appearance when the Petition or the application was called for hearing, the Tribunal shall make order to restore the same. From the provisions of Rule 48, it is clear that the Rule to restore the application is at the behest of the Applicant itself. Rule 48 is a clear provision for restoring the application on consequence of non-appearance of the applicant
- 7.** On perusal of the record, we find Company Petition (I.B.) NO. 16 of 2026 was dismissed on 08.12.2025 for non-prosecution. The Order dated 08.12.2025 (uploaded on 10.12.2025) is reproduced here-below:

“Ld. Counsel on behalf of Corporate Applicant is present and sought further time to seek instructions in terms of order dated 12.09.2025 and sought time to file further documents. On the previous date of hearing i.e. on 30.10.2025, no one had appeared on behalf of Applicant. No documents as per order dated 12.09.2025 has been filed so far. Therefore, the petition is dismissed for want of prosecution as it seems that Corporate Applicant is not interested in this matter.”

- 8.** It is observed that the matter was first taken up for hearing on 12.09.2025, when the learned counsel appearing on behalf of the Corporate Applicant sought time to obtain instructions regarding the manner in which the Corporate Applicant could be resolved on the basis of its balance sheets from the year 2017 onwards. Accordingly, an adjournment was granted.
- 9.** Thereafter, the matter was listed on 30.10.2025 and no document was filed. Subsequently, on 08.12.2025, this Adjudicating Authority recorded that no documents, as directed vide order dated 12.09.2025, had been filed till that date. In view thereof, the petition was dismissed for want of prosecution.
- 10.** The Applicant has filed the present Application on 10.03.2026, which is much beyond the 30 days from the date of dismissal order, prescribed under Rule 48(2). We take note of the explanation furnished by the Ld. Counsel for the Applicant regarding the non-appearance, though the typographical error in the order dated 30.10.2025 was not brought on

record till now. Be that as it may, insofar as the non-filing of documents in terms of order dated 12.09.2025 is concerned, the Applicant has submitted that all requisite documents, as directed by this Adjudicating Authority, have been compiled and undertakes to place the same on record forthwith upon restoration of the petition, without seeking any further adjournment. By sheer indulgence, considering the submissions made by the Applicant herein, we allow the restoration application. Accordingly, the application stands allowed for the reasons stated by the Applicant, subject to payment of costs of Rs 2 lakhs, to be deposited in the Prime Minister's National Relief Fund within one week from the date of this Order.

- 11. Accordingly, with the above observations, Restoration Application (IBC)/16 (ND) 2026 is Allowed and Disposed of. Resultantly, the CP (IB) NO. 489/ND/2025 stands restored to its original stage, subject to payment of Rs 2 lakhs in the Prime Minister's National Relief Fund within one week of this Order and the Applicant is directed to file proof of payment of the same.**

List the main CP (IB) NO. 489/ND/2025 on 10.07.2026 along with proof of payment.

Sd/-

**REENA SINHA PURI
MEMBER (TECHNICAL)**

Sd/-

**MANNI SANKARIAH SHANMUGA SUNDARAM
MEMBER (JUDICIAL)**