

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1038 of 2024

&

I.A. No. 2352 of 2026

IN THE MATTER OF:

Vinay Gupta

...Appellant(s)

Versus

Oswal Minerals Ltd. & Ors.

...Respondent(s)

Present:

For Appellant : Dr. Pankaj Garg, Mr. Yaksh Garg, Ms.Yashna Ahuja,
Ms. Muskaan Chawla, Advocates.

For Respondents : Mr. APS Madaan, Mr. K.D. Sharma, Mr. Vibhu
Aggarwal, Mr. Aalok Jagga, Mr. Nipun Gautam, Mr.
Sahil Lohan, Advocates for SRA.
Mr. Saurabh Jain, Mr. Prayag Jain, Advocates for RP.
Ms. Surbhi Mehta, Advocate for R-3.

With

Restoration Application (AT) No. 9 of 2025

In

Comp. App. (AT) (Ins) No. 1032 of 2024

IN THE MATTER OF:

Niharika Goel

Suspended Director of Satellite Cables Pvt. Ltd.

...Appellant(s)

Versus

Suraj Garg

SRA of Satellite Cables Pvt. Ltd. & Ors.

...Respondent(s)

Present:

For Appellant : Mr. Sanchit Garg, Mr. Oorja Goel, Advocates.

For Respondents : Mr. APS Madaan, Mr. K.D. Sharma, Mr. Vibhu
Aggarwal, Mr. Aalok Jagga, Mr. Nipun Gautam, Mr.
Sahil Lohan, Advocates for SRA.
Mr. Saurabh Jain, Mr. Prayag Jain, Advocates for RP.
Ms. Nattasha Garg, Ms. Liza Arora, Advocates for R-4.

O R D E R
(Hybrid Mode)

07.08.2026: **Restoration Application (AT) No. 9 of 2025 in CA (AT)**
(Ins) No. 1032 of 2024-

Heard Ld. Counsel for the appellant, as well as Ld. Counsel appearing for the Respondent No. 1 and perused the record.

Ld. Counsel for the Appellant submits that on the fateful day when the appeal was dismissed for want of prosecution the Senior Counsel engaged by the assisting Counsel has not appeared before the Court having regard to some personal difficulty and there was also some bereavement in the family of the assisting Counsel and as he was in a remote area where the network was not good he could not appear through VC and it is on this score the appellant remained unrepresented and noticing that the appellant is not represented the appeal has been dismissed for want of prosecution.

It is further submitted that the appellant was diligently contesting the *lis* and no attempt have ever been made by the appellant to linger on the proceedings and therefore the appeal be restored to its original number.

Ld. Counsel appearing for the Respondent No. 1 i.e. SRA however opposes the submissions made by Ld. Counsel for the Appellant particularly drawing our attention towards paragraph no. 7 and 8 of the application and submits that the explanation given for the non-presence of Counsel for the Appellant is not genuine and acceptable in the facts and circumstances of the case and therefore the application is liable to be dismissed.

We have considered the submissions made by Ld. Counsel for the parties and are of the view that the causes for non-presence of the Counsel for the Appellant on the day dismissal order was passed, has been sufficiently explained in para no. 7 and 8 of the application.

Thus in our considered opinion the restoration application moved by the appellant is worth allows and the same is allowed as such.

The appeal is restored to its original number.

CA (AT) (Ins) No. 1038 of 2024 and CA (AT) (Ins) No. 1032 of 2024-

Heard Ld. Counsel for the Appellant, Ld. Counsel appearing for Respondent No. 1, 2 and 3.

Arguments heard and concluded.

‘Judgment Reserved’.

Counsel for the parties are permitted to file their written submissions not containing more than 3-4 pages along with relevant citations within 7 days from today. (Times New Roman, Font Size-14)

**[Justice Mohammad Faiz Alam Khan]
Member (Judicial)**

**[Arun Baroka]
Member (Technical)**

sr/mr