

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Restoration Application No. 13 of 2022
In
Competition Appeal (AT) No. 46 of 2022

IN THE MATTER OF:

**People's All India Anti-Corruption and
Crime Prevention Society (IP)**

...Appellant

Versus

Usha International Ltd. & Ors.

...Respondents

Present:

For Appellant : Mr. Nikhilesh Kumar, Advocate

For Respondents : Mr. Pawan Sharma, Mr. Anuj Shah, Advocates for R-1.
Ms. Shama Nargis, Deputy Director for CCI.

O R D E R

14.11.2022: Heard.

The Present Application has been filed for Restoration of Competition Appeal (AT) No. 46 of 2022 which stood dismissed due to non-prosecution on 13.10.2022.

Ld. Counsel for the Appellant Mr. Nikhilesh Kumar by way of referring to fact disclosed in the restoration petition submits that non-appearance was not intentional. He failed to appear due to the reason which was beyond his control.

After hearing Ld. Counsel for the Appellant Mr. Nikhilesh Kumar, Mr. Pawan Sharma, Ld. Counsel for the Respondent No. 1 as well as Deputy Director CCI, Ms. Shama Nargis and considering the facts and circumstances, we consider it appropriate to allow the restoration petition. Accordingly, the restoration petition is allowed. It is directed to be restored on its original file.

It is made clear that the Appeal itself was belatedly refiled i.e. after expiry of 223 days. At the moment we are not recording any opinion on the point of delay. It will be kept open to be decided at the time of admission of the main Appeal.

After restoration, the Appeal is directed to be listed on **14.12.2022**.

[Justice Rakesh Kumar]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

sr/gc

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