

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCC No. 208 of 2023**

- M/s Perfect Sales Corporation A Company Incorporated Under The Companies Act, 1956, Having Its Registered Office At Flat No. S/17 Civil Township, Rourkela, Sundergarh, Odisha (O.D.) ---- **Petitioner**

Versus

- Db Power Limited A Company Incorporated Under The Companies Act, 1956, Having Its Registered Address At Block 1a, 5th Floor, Corporate Block, Db City Park Area Hills, Opposite Mp Nagar, Zone-1 Bhopal (M.P.) ---- **Respondent**

(Cause title is taken from C.I.S.)

For Petitioner:

Ms. Akshara Amit, Advocate.

For the Respondent:

Shri Parth Shrivastava, Adv.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J

Order On Board

12.04.2023

1. Heard on admission.
2. This petition has been filed for restoration of ARBR. No.27/2020, which was dismissed in default by this Court vide order dated 31.03.2023 for non-prosecution.
3. Learned counsel for the Petitioner submits that owing to inadvertence, she could not appear on the said date when the matter was called for its hearing. It is contended further that there is no malafide intention behind it, and therefore, the said petition may be restored to its original number.
4. On the other hand, learned counsel appearing for the Respondent submits that in an earlier occasion also, the said petition was dismissed vide order dated 06.01.2021 and, therefore, the petitioner was deliberately not appearing in the matter. The application is, therefore, for restoration of the ARBR No.27/2020 deserves to be rejected.





5. Having considered the aforesaid contention of the parties and that by considering further that the instant petition for restoration of the said petition has been filed immediately after dismissal of the same, with duly supported by an affidavit, I am, therefore, inclined to allow the petition.

6. The petition is, accordingly, allowed and ARBR No.27/2020, dismissed in default on 31.03.2023, is hereby directed to be restored to its original number.

No order as to costs.

Sd/-
(Sanjay S. Agrawal)
JUDGE

