

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal(AT) No. 155 of 2019**

**IN THE MATTER OF:**

**Lake View Agencies Pvt. Ltd. & Ors.**

**...Appellants**

**Vs**

**Agarpara Jute Mills Ltd. & Ors.**

**....Respondents**

**Present:**

**For Appellants: Mr. Arun Katpalia, Senior Advocate along with Mr. Sugam Seth and Mr. Saurabh Jain, Advocates,**

**For Respondents: Mr. Krishnendu Dutta, Ms. Pallavi Srivastava and Mr. Atanu Mukherjee, Advocates for Respondent No. 1.**

**Mr. Arjun Aggarwal, Advocate for Respondent No. 13.**

**Mr. Ashok Kr. Jain, Advocate for Respondent No. 25**

**Mr. Gauraw Kejriwal and Ms. Indrani Mukherjee, Advocates for Respondent No. 29**

**ORDER**

**03.07.2019** One of the questions arises for consideration in this appeal is whether the appeal under Sections 241 and 242 of the Companies Act, 2013 and old Sections 397, 398 & 399 of the Companies Act, 1956 can be dismissed on the ground of res judicata if all the facts shown relating to 'Oppression and mismanagement' are prior to the order passed decided in some other petition, and the other petition was filed by a third party.

2. Mr. Atanu Mukherjee, learned Counsel appearing on behalf of Respondent No. 1, Mr. Gauraw Kejriwal & Ms. Indrani Mukherjee, learned Counsels for Respondent No. 29, Mr. Ashok Kr. Jain, learned Counsel for Respondent No. 25 accept notice. No further notice is required to be issued on them.

3. Let notices be issued on rest of the Respondents. Requisites along with process fee, if not filed, be filed by 5<sup>th</sup> July, 2019. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.
4. Reply affidavits may be filed by the Respondents within two weeks. Rejoinder, if any, may be filed by Appellant within two weeks thereof.
5. The question of passing interim order will be considered on the next date.

Post the appeal 'for Admission' on **2<sup>nd</sup> August, 2019** along with Company Appeal(AT) No. 147 of 2019.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice A.I.S. Cheema]  
Member (Judicial)

(Kanthi Narahari)  
Member(Technical)

*Akc/Sk*