

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Comp. App. (AT) No.314 of 2017**

**In the matter of:**

IL&FS Transport Networks Ltd. ...Appellant

Vs.

Regional Airport Holding International Ltd. & Ors. ...Respondents

**Present:** For Appellant: Shri Vidut Bhatia, Aldripsit Mishra and Shri  
Ritin Rai, Advocates

For Respondents: None for the Respondents

**ORDER**

**22.09.2017** This appeal has been preferred by the appellant against order dated 9<sup>th</sup> August, 2017 passed by National Company Law Appellate Tribunal, New Delhi Bench which reads as follows:

“Ld. counsel for the respondents submits that they would be seeking discharge in this case.

Ld. Counsel for the petitioner submits that CA 162/17, an application for amendment of the petition is pending whereby it is proposed to bring certain subsequent facts on record. Let the same be filed by way of an additional affidavit. All relevant fact which are relevant for adjudication of this case shall be taken into consideration. Court notice issued to the respondents for final arguments returnable on 25<sup>th</sup> September, 2017.”

From the impugned order, it is clear that the Tribunal has already allowed the appellant to bring the subsequent facts to the notice of the Tribunal by way of additional affidavit.

Learned counsel appearing on behalf of the appellant submits that the directors of the company also colluded with the respondents and, therefore, they are also required to be impleaded as party respondents. Such submissions cannot be accepted after five years of filing of the company petition, the appellant having knowledge about the same. This apart, the persons with regard to whom the application for impleadment has been filed are not the members of the company. In any case, as the Tribunal has power to pass any order 'as it deem fit and proper' under sub-section (1) of Section 242 of the Companies Act, 2013, in case it comes to its notice that there is oppression and mismanagement, the question of amendment of pleading in the petition which is pending since last five years at this stage of final hearing does not arise. If the appellant has not filed the additional affidavit, they may file it by 3<sup>rd</sup> October, 2017. The parties are to cooperate with the Tribunal for early disposal of the case. In absence of any merit, the appeal is dismissed. No cost.

(Justice S.J. Mukhopadhaya)  
Chairperson

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

(Balvinder Singh)  
Member(Technical)

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