

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 48 of 2016

IN THE MATTER OF:

**M/s. Associated Chemical Industries (Kanpur)
Pvt. Ltd. & Ors ... Appellants**

Vs.

**Smt Kumud Bhargava ...
Respondent**

**Present: For Appellants:- S/Shri Naresh Kumar and
Nityanand Singh, Advocates**

For Respondent:- Shri S.N. Bhargava, Advocate

ORDER

19.1.2017 – This appeal has been preferred by the Appellant, M/s. Associates Chemical Industries (Kanpur) Pvt. Ltd. & Ors. against the order dated 17th November, 2016 passed by the National Company Law Tribunal, Allahabad Bench in CP No. 65 (ND) of 2014 by which the Respondent petitioner Smt. Kumud Bhargava have been allowed to have her counsel during the course of inspection for facilitating smooth conduct of inspection and to comply with the earlier order passed by the then Company Law Board in its letter and spirit. The parties have been directed to bear their respective cost of legal expenses.

2. The grievances of the appellant is that the impugned order was passed in absence of counsel for the Appellant and Respondent/Petitioner. It is submitted that there is no requirement to have the counsel during the course of inspection.

3. Ld. Counsel, on behalf of the Respondent had contended that in an earlier matter, the Hon'ble Bombay High Court, Mumbai has passed an order that the counsel may be present during the course of inspection and therefore also contended that the Respondent was allowed by the then Company Law Board to inspect the documents.

4. Having heard the parties, while we are not inclined to interfere with the impugned order, insofar as it relates to smooth conduct of inspection of records for compliance of earlier order passed by the then Company Law Board, we may observe and direct that the Ld. Counsel for both the parties while remain present to help their clients, i.e., Appellant or the Respondent and give proper suggestion for inspection of one or other records, they themselves will not handle any document nor inspect any of the documents of the company or other materials on behalf of the Appellant or the Respondent.

5. The order dated 17th November, 2016 passed by National Company Law Tribunal, Allahabad Bench stands modified and clarified to the above extent.

6. The appeal stands disposed of.

Sd/-
(Justice S.J. Mukhopadhaya)
Chairperson

Sd/-
(Mr. Balvinder Singh)
Member (Technical)