

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 314 of 2018

IN THE MATTER OF:

Jatin Karnani & Ors.

...Appellants

Vs

Neelachal Minerals Limited & Ors.

....Respondents

Present:

For Appellant: Mr. Jayant Mehta, Mr. Ashok Jain and Ms. Drishti Harpalani, Advocates.

For Respondents:

ORDER

12.09.2018: The Appellant has challenged the order dated 26th July, 2018 passed by National Company Law Tribunal, Kolkata Bench, Kolkata I.A. Nos. 35 of 2016 and 326/KB/2018 in CP No. 5 of 2016 which reads as under:

“ORDER”

“Ld. Counsel for the petitioner and respondent No. 1 to 4 as well as respondent no. 7 is present.

Ld. Counsel appearing on side of the petition submit that no reply affidavit being served upon him. Ld. Counsel for respondent No. 1 to 4 shown to me the cover in which the reply affidavit was sent to the Ld. Counsel appearing for the petitioner by speed post. However, Ld. Counsel for petition submits that affidavit being sent out of time he didn't receive it.

Reply affidavit seen filed before the registry and registry received it on 28/05/2018. Directed to serve copy of reply affidavit to the petitioner.

Copy of reply affidavit served to the Ld. Counsel for the petitioner in open Court. It is recorded.

Ld. Counsel appearing for the respondent No. 1 to 4 submitted list of the tenants in a sealed cover. Office is directed to keep that in the safe custody.

It is submitted that the demurrer application IA No. 35/KB/2016 is to be heard before CP is to be heard.

Ld. Counsel appearing for the petitioner sought further time to file rejoinder to the reply affidavit filed by respondent. Time is granted. To be filed within 3 weeks.

List it for further consideration on 14/09/2018.”

Having heard learned Counsel for the Appellant and on perusal of the impugned order, we are not inclined to interfere with the same as no specific decision or order has been passed by the Tribunal.

At this stage, learned Counsel for the Appellant submitted that the Company Petition is pending since 2016 for acts of ‘oppression and mismanagement’ of the Respondents and still they are continuing with the same. According to him, the petition should have been heard instead of adjourning the case on one or the other ground.

In the facts and circumstances, while we are not inclined to pass any specific order observe that the Tribunal is required to dispose of the Company Petition at an early date preferably within a period of three months in terms of

Section 422 of the Companies Act, 2013. We hope that the Tribunal will dispose of the petition on an early date without granting unnecessary adjournment to the parties.

The appeal stands disposed of with the aforesaid observation.

[Justice S.J. Mukhopadhaya]
Chairperson

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

Akc/Gc