

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 269-270 of 2019

IN THE MATTER OF:

Rukmani Motors Pvt. Ltd. & Anr.

...Appellants

Versus

Sanjay Baheti & Anr.

...Respondents

Present:

For Appellant: Mr. Manoj Munshi, Advocate.

For Respondent: Mr. Vajes Atri, Advocate.

ORDER

22.10.2019 Learned counsel for the Appellants submits that the Appellants / Petitioners have raised the question of maintainability of the petition under Sections 241 and 242 of the Companies Act, 2013 preferred by Mr. Sanjay Baheti and others (Petitioners / Respondents herein).

Though the aforesaid facts have been brought to the notice of the National Company Law Tribunal, Ahmedabad Bench ("Tribunal" for short) but without deciding the same, the interim orders dated 26th July, 2019 has been passed and has been continuing as the matter could not be taken up.

Mr. Vajes Atri, learned counsel appearing on behalf of the Respondents/Petitioners submits that the Respondents have 25.84% shareholding in the Company, and for the said reason, the interim order of stay was passed by the Tribunal before deciding the issue of maintainability.

In the facts and circumstances, we are not inclined to interfere with the impugned order dated 26th July 2019 and remit the case to the Tribunal to

decide the question of maintainability as raised by the Appellants/Respondents preferably within two months.

The appeal stands disposed of with aforesaid observations and directions.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

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