NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT) No. 169 of 2019

IN THE MATTER OF:

Mahendra Sharma & Anr.   ...Appellants

Vs

Agarpara Jute Mills Ltd. & Ors.   ....Respondents

Present:

For Appellants:	Mr. S. Mukherjee, Senior Advocate along with Mr. Abhijeet Sinha, 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 Mukherjeee, Advocates for Respondent No. 29

O R D E R

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 is filed by a third party.

2.   Mr. Atanu Mukherjee, learned Counsel appearing on behalf of Respondent No. 1, Mr. Gauraw Kejrwal & 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 5th 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 **2nd 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