

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Comp. App. (AT) No. 210 of 2017

IN THE MATTER OF:

Nulon Global Ltd.

... Appellant

Versus

Yash Golyon & Ors.

... Respondents

**Present: For Respondent: Shri Sawar Raza and Ms. Ojaswee Gupta,
Advocates**

O R D E R

12.07.2017 This is a frivolous appeal preferred by the appellant against the order dated 6th April, 2017 passed by National Company Law Tribunal, Kolkata in CP No.130/2015, which reads as follows:

"The matter is fixed for further hearing on the main CP from the side of the respondent(s).

Meanwhile, the Ld. Lawyer, appearing on behalf of the respondent(s), pointed out with regard to the pendency of IA No.117/2017 which is filed on 29-03-2017 only with copy to the petitioner.

The Petitioner fairly submitted that he does not wish to file any reply on IA No.117/2017 as the final argument is completed from his side and further more, final argument is partly completed from the side of the respondent(s). Thus, at this juncture, no reply is required on IA No.117/2017.

Heard both side at length on IA No.117/2017.

Fix the matter on 09-05-2017 for orders on IA 117/2017 and hearing on the CP till completion of the argument."

From the impugned order, it is clear that somehow or other the appellant/respondent wanted to stall the proceedings.

At this stage, it is pertinent to mention that the company petition was filed by Respondent/Petitioner two years back. After its transfer to National Company Law Tribunal, Kolkata, as per Section 422 of the Companies Act, 2013, the Tribunal was supposed to dispose of the case within three months. However, as respondent stalled the proceedings, the case could not be disposed of. The arguments of both the parties were almost complete, but in the end of the argument, the appellant filed application for stay. In this background, the Tribunal rightly observed that the action of the appellant/respondent amounts to a serious abuse of process of law and is taking delaying tactics to stall the proceedings.

Learned counsel appearing on behalf of the respondent/petitioner submitted that after filing of the present appeal, the appellant preferred another interim application on 7th July, 2017 requesting the Hon'ble Members to recuse herself from the case. We deprecate such action on the part of the appellant.

Taking overall view, while we dismiss the appeal with cost of Rs.60,000/- on appellant for payment in favour of Registrar, NCLAT, New Delhi by demand draft within a month, request the learned Member of the Tribunal to dispose of the Company Petition on merit, without granting any unnecessary adjournment to the parties.

(Justice S.J. Mukhopadhaya)
Chairperson

(Balvinder Singh)
Member (Technical)

/rs/