

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) No. 175 of 2017**

**IN THE MATTER OF:**

**Axis Nirman and Industries Ltd. & Anr.**

**....Appellants**

**Vs.**

**Hotel Birsa Pvt. Ltd. & Ors.**

**....Respondents**

**Present:**

**For Appellants: Mr. C.S. Chauhan, Advocate**

**Mr. Sachin Datta, Sr. Advocate with Mr. Shakil Ahmed,  
Advocate for Libra Retailer Pvt. Ltd.**

**For Respondents: Mr. Abhijeet Sinha, Mr. Arijit Mazumdar, Mr. Akshay  
Chandra, Mr. Aditya Shukla, Mr. Kanush, Mr. Rohan  
Mazumdar, Advocates**

**ORDER**

**16.08.2019:** The question arises for consideration in this appeal on remand is that whether this Appellate Tribunal can give any finding in judgement which has been considered and decided by judgement dated 11.08.2017 passed in Company Appeal (AT) No. 162 of 2017 etc. Wherein the Appellant was also the party Respondent and the said judgment was challenged before the Hon'ble Supreme Court and dismissed by order dated 04.07.2018 in Civil No. 5801 of 2018. Learned counsel for the Appellant and Respondents are allowed to address the Appellate Tribunal on the aforesaid issue before deciding the appeal on merit.

Post the case for 'hearing' on **19<sup>th</sup> September, 2019** at **2.00 P.M.** on the top of the list.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

sa/gc