

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 61 of 2019

IN THE MATTER OF:

Union of India, Ministry of Corporate Affairs

...Appellant

Vs

Apparel Exports Promotion Council & Ors.

....Respondents

Present:

**For Appellants: Mr. Kamal Kant Jha, Sr. Panel Counsel (GoI) with
Mr. B. Mishra and Mr. C. Balooni, Advocates.**

For Respondents:

ORDER

11.03.2019: ‘M/s Affordable Exports’ (Petitioner) after obtaining permission from the Central Government (Ministry of Corporate Affairs, Government of India) in March, 2016 under Section 399(4) of the Companies Act, 1956 filed Company Petition No. 56(ND)/2016 before the erstwhile Company Law Board. After constitution of National Company Law Tribunal, it was transferred to National Company Law Tribunal, New Delhi Bench (hereinafter referred as ‘Tribunal’) It is informed that the matter is still pending in the said petition. The Tribunal passed following order on 14th January, 2019:-

“ORDER

CA 723/2018 has been filed by R-10 praying for deletion from the array of parties of respondent. Notice of this application is accepted by Ld. Counsel for the Petitioner. Reply be filed.

CA 765/2018 has been filed for dismissal of petition. This application is not pressed for at this stage.

Notice of this application is accepted by Ld. Counsel for the Petitioner. Reply be filed.

To come up for further consideration on 5th March, 2019.”

2. Learned counsel appearing on behalf of the Appellant submits that the matter is pending since long and parties are filing one or another Interlocutory Application, which is defeating the purpose and provisions of Section 422 of the Companies Act, 2013, in terms of which within three months' time normally the Tribunal is required to decide a petition.

3. Having heard learned counsel for the Appellant while we are not inclined to issue notice to the Respondents, we direct the parties not to ask for unnecessary adjournment nor to file unnecessary Interlocutory Applications. The Tribunal is directed to take up all the Interlocutory Applications together including CA 721/PB ND/2018 filed by the Central Government (Appellant herein) and after hearing the parties pass final order in the Company Petition preferably within three months.

4. The appeal stands disposed of with aforesaid observations and directions.

[Justice S. J. Mukhopadhaya]
Chairperson

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

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