

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) No. 08 of 2020

IN THE MATTER OF:

Prem Prakash & Ors.

...Appellants

Vs

Colonia Santa Maria Hotels Pvt. Ltd. & Ors.

....Respondents

Present:

For Appellants: Mr. Amit Sibal, Sr. Advocate with Mr. Aman Vachher, Mr. Ashutosh Dubey, Mr. Rohit Chaudhary and Mr. Abhishek Chauhan, Advocates and Mr. Nesar Ahmed, PCS.

For Respondents: Mr. Ramji Srinivasan, Sr. Advocate with Mr. Manik Dogra, Mr. Palash Singhai, Mr. Balkishan and Ms. Rani Badoni, Advocates for R-1.

Mr. Darpan Wadhwa, Sr. Advocate with Mr. Nikhil Sanghvi, Mohit Seth and Ms. Manpreet Kaur, Advocates for R-2, 3, 5 & 7.

Mr. Syed Sarfraz Karim and Mr. Shashwat Anand, Advocates for R-4 & 6.

ORDER

13.01.2020: The Appellants/ Petitioners filed application under Section 241-242 of the Companies Act, 2013 alleging oppression and prejudicial action on the part of Respondent Company and their members, which is pending decision before the National Company Law Tribunal, New Delhi Court No. IV.

2. In the said case, the Appellants (Petitioners) prayed for interim relief. The Respondents who accepted the notice raised objection about grant of any interim relief and requested for time to file reply on the question of maintainability of the petition under Section 241-242. In respect to this, the Appellants had also been asked to file their affidavit.

3. In regard to inspection of documents, learned senior counsel for the Respondent informed the Tribunal that the Respondents have no objection to inspection without prejudice to their rights and contention, which has also been noticed by the Tribunal in order dated 10th December, 2019. The service affidavit has been filed and matter has been ordered to be listed on 6th March, 2020.

4. In the circumstance, we are not making any observation in the present and for the said reason not inclined to interfere with order dated 10th December, 2019. If the Respondents raise objection, it is open to the Appellants/ Petitioners to argue from the record or even by filing additional affidavit that the petition under Section 241-242 is maintainable at their instance and the interim relief sought for is requested in terms of Section 242(4) of the Companies Act, 2013. In such case, the Tribunal will consider arguments of both the parties and pass appropriate order uninfluenced by order dated 10th December, 2019. The appeal stands disposed of with aforesaid observations.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)

am/sk