

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 62, 64 to 71 of 2017

IN THE MATTER OF:

Purshottam Vishandas Raheja & Ors ... Appellant

Vs.

M/s. Courchevel Trading Pvt. Limited .. Respondents

Present: For Appellant:- Dr. U.K. Chaudhary, Sr. Advocate, Ms Eesha Mohapatra, Mr Himanshu Vij and Mr Arvind Chari, Advocates.

For Respondents:- Mr Krishnendu Datta, Ms Sanjana Saddy and Mr Shrivardhan Deshpande, Advocates.

ORDER

29.03.2017 — These appeals have been preferred by the Common Appellants against common impugned order dated 10th January 2017 passed by the National Company Law Tribunal, Mumbai Bench, Mumbai (hereinafter referred to as Tribunal) in TCA No. 125 to 133 of 2016 in C.P. No. 88 of 2014, No. 91 of 2014 and No. 98 of 2016. By the impugned order, the Tribunal while allowed part of the amendment as pleaded by the appellants in paragraph 10 A of the Schedule attached to the Amendment Application and observed as follows:-

“ At this juncture it is worth to mention that the mere rejection of this amendment shall not in any way prejudice the right of the Petitioner to contest the matter of validity of “Deed of Apartments” dated 24th July, 2014 while adjudicating the main petition.”

We have heard Dr. U.K. Chaudhary, Ld. Sr. Counsel for the Appellants and Mr Krishnendu Datta, Ld. Counsel for the Respondents. After going through the records and hearing the parties, while we are not inclined to interfere with the substantive part of the impugned order dated 10th January, 2017, allow the Appellants to file 'additional affidavit' bringing, to the notice of the Tribunal all the facts related to "Deed of Apartments" dated 24th July, 2014 and any action taken pursuant to the "Deed of Apartments" dated 24th July, subsequent to the filing of the petition. If any such additional facts related to "Deed of Apartments" are brought to the notice of this Tribunal, the Tribunal will consider the same along with the main petition.

Insofar power of Tribunal to grant relief is concerned, we are of the opinion that it is well within the domain of the Tribunal to grant relief as per law and to mould relief in terms of prayer made in the petition or any other relief the Tribunal may deem fit and proper, including consequential relief.

The Appellant is allowed ten days time to file additional affidavit and the Tribunal is expected to decide the Company Petitions, on an early date preferably within a month after hearing the parties.

All the appeals stand disposed of with aforesaid observation.

Sd/-
(Justice S.J. Mukhopadhaya)
Chairperson

Sd/-
(Mr. Balvinder Singh)
Member (Technical)