

**National Company Law Tribunal
Guwahati Bench**

C.P.No.15/14(1)/GB/2018

Under Section 14 (1) of the Companies Act, 2013

In the matter of:

Suvida Consultants Ltd. Petitioners

Coram:

Hon'ble Mr Justice P.K. Saikia, Member (J)

ORDER

Date of Order: 28th May 2018

Mr B. Sharma & Mr G.J. Talukdar, learned Advocates are present for the petitioner company.

2. This is an application filed under Section 14 (1) of the Companies Act, 2013 (in short, Act of 2013) read with Rule 68 of the National Company Law Tribunal Rules, 2016 (in short, Rules of 2016) seeking conversion of the petitioner company from public to private.

3. I have heard Mr B. Sharma, learned Advocate for the petitioner company. During the course of hearing it is found that certain information is required to be given under the law, more particularly, Rule 68 (2) (e) of the Rules of 2016 which is not forthcoming in the application. Mr B. Sharma, therefore, urged this Bench to give him a small accommodation so that he can rectify the defect.

4. In that connection, the Registry has also given a note which reads as follows:

"I am directed to forward the following query on interpretation of rule 68 of NCLT Rules, 2016:

*"While interpreting the Rule 68 (1) of NCLT Rules, 2016, as regards petition under section 14, a doubt arises regarding the language employed therein to the effect that "... **not less than three months from the date of passing of special resolution.....**" Should the Registry interpret the period as till after the completion of three months from the date of passing of special resolution or within the period of three months from the date of passing of special resolution.*

"In other words, should an application under section 14 be filed within a period of three months from the date of passing of special resolution and/or after the completion of three months from the date of filing of special resolution.

"May I request you to kindly enlighten me to take an apposite decision in this regard."

5. In my opinion, the words used in Rule 68 of NCLT Rules, 2016, in the matter of petition under Section 14, to the effect "*not less than three months from the date of passing of special resolution*" needs interpretation. Therefore, learned Advocate for the petitioner company needs to be given some time to enlighten this Bench about the actual meaning of the above term.

6. List this matter on 14.06.2018.

sdt

Member (Judicial)
National Company Law Tribunal,
Guwahati Bench,
Guwahati.

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