

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH

C.P. No. 01/241(1)/242(4)/243(1)(B)/GB/2016
With
I.A.No.03/2018

Under Section 241(1)/242(4)/243(1)(B) of the Companies Act. 2013

In the matter of:

Shanta Prasad Chakravarty & Ors. ... Petitioners
-Versus-
M/S Bochapathar Tea Estate Pvt. Ltd. & Ors. ... Respondents

Coram:

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

.....

ORDER

Date of Order: 20th September 2018.

C.P. No.01/2016

Mr A.K. Roy, FCS & Mr D. Goswami, learned Advocate, are present for the petitioners. Mr R.R. Kaushik, learned Advocate, is present on behalf of respondents.

2. It may be stated here that the parties to this proceeding are also involved in another litigation, same being C.P.No.28/2017. In the said proceeding, arguments were concluded but at some point of time it was informed that there is a possibility of the dispute in the said proceeding being settled amicably.

3. Since this proceeding is closely connected with C.P.No.28/2017 and the legal representative of the petitioner submitted that if the settlement is ultimately

arrived at, both the proceedings can be disposed of on amicable settlement. Hence, the delivery of the judgment in C.P.No.28/2017 was deferred.

4. Today, however, the learned legal representative for the petitioners submits that in order to facilitate the settlement of the dispute in both the proceedings a proposal was submitted to the respondents. However, such proposal was rejected from the side of the respondents. Rather, the non-applicants/respondents want to settle the matter selectively which was not agreed to by the petitioners.

5. In view of the above, I am of the opinion that amicable settlement in both the proceedings is not possible and, therefore, both the proceedings need to be disposed of on merit. Since the other proceeding is listed on 01.10.2018, this proceeding is also required to be listed on the same day for arguments from the side of the petitioners.

6. It may be noted here that in C.P.No.28/2017, the parties were supposed to submit their written synopsis of arguments but the same was not submitted due to the fact that there was possibility of said proceeding as well as this proceeding being settled amicably. Therefore, this Bench, now insists upon submission of written synopsis of arguments by the parties since the process of compromise has failed.

7. In view of the above, parties are directed to submit their written synopsis of arguments on or before the next date in C.P.No.28/2017.

8. List this matter on 01.10.2018.

9. A copy of the order be sent to the learned Advocate for the respondents for their information and for doing further needful.

I.A.No.03/2018

Arguments in I.A.No.03/2018 were completed on 31.07.2018. Order to be passed in due course along with C.P.No.01/2016.


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

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