

40  
**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**

**TP No. 109/397-398/NCLT/AHM/2016 (New)  
CP No. 77/397-398/CLB/MB/2015 (Old)**



Coram: **Hon'ble Mr. HARIHAR PRAKASH CHATURVEDI, MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD  
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 05.06.2018**

Name of the Company: Pinakin Kharwar  
V/s.  
Rudraksh Synthetics Pvt. Ltd.

Section of the Companies Act: Section 397-398 of the Companies Act, 1956

**S.NO. NAME (CAPITAL LETTERS) DESIGNATION REPRESENTATION SIGNATURE**

1.	DHIREN R. DAVE	PCS	Respondent	
2.	S Suryanarayanan	Advocate	Petitioner	 28/5/2018

**ORDER**

Advocate Mr. S Suryanarayanan is present for the Petitioner. PCS Mr. Dhiren Dave is present for the Respondent.


Learned Counsel appearing for the Respondent produce a copy of the order of the Hon'ble National Company Law Appellate Tribunal (passed in CA 400/2017) with such direction to this Bench by requesting to appoint urgently an independent auditor/ auditor firm in both the CP. Further such auditor/ CA to file an audit report before the NCLT. Further, necessary direction in respect of payment of fees payable to such auditor firm may also be issued. The Hon'ble NCLAT has please to observe such that there is necessity for appointment of an administrator in the company so that shareholdings not to be diluted nor respondent cannot be allowed to take undue advantage of their shareholding ~~at this stage~~. Further, proper valuation of shareholdings should be ascertained on date of the order of the Hon'ble NCLAT.

Contrary to this learned PCS for Respondent Mr. Dhiren Dave <sup>would</sup> submitte by bringing ~~to our notice~~ to our notice that the respondents being aggrieved with impugned decision of the NCLAT has preferred a SLP before the Hon'ble Supreme Court of India in support of its contention have submitted status report of case bearing diary No. 21646/2018 and 21644/2018 of the registry of the Hon'ble Supreme Court of India which is placed on record thus he opposed the appointment of Administrator

and the auditor during the pendency of the SLP before the Hon'ble Supreme Court of India.

Having heard at length the submission of both parties we feel that the matter is now subjudic before the Hon'ble Supreme Court of India even there is no express stay however, one reasonable opportunity may be given to the Respondent to obtain stay order from the Hon'ble Supreme Court of India at the earliest, failing which this court may constrain to proceed to implement the direction issued by the Hon'ble National Company Law Appellate Tribunal in its order dated 28.05.2018 (for appointment of Chartered Accountant and independent auditor. Independent administrator) therefore, the respondent is granted four-week time for obtaining stay from the Hon'ble Supreme Court. Further, the Respondent Company also to produce a copy of the SLP filed before the Hon'ble Supreme Court for perusal of this Court.

List the matter on 05.07.2018.

  
**HARIHAR PRAKASH CHATURVEDI**  
**MEMBER JUDICIAL**

Dated this the 5th day of June, 2018.