

**NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI**

**Cont. Appln. No.02 of 2018  
IN  
T. A. No.34 of 2016  
[C.A. No.461/2015]  
IN  
TP No.07/GB/2016  
[CP No.969 of 2012]**

**Coram:**

**Hearing**

**Hon'ble Shri H. V. Subba Rao, Member (J):**  
through  
**Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference**

**ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 17.08.2021**

Name of the Company: Gomukhi Construction (P) Ltd. & others  
V/s  
North East Shuttles (P) Ltd. and others.

Section of the Companies Act: Under Section 425 of the Companies Act read with  
The Contempt of Courts Act, 1971

<b><u>S. NO.</u></b>	<b><u>NAME (CAPITAL LETTERS)</u></b>	<b><u>DESIGNATION</u></b>	<b><u>REPRESENTATION</u></b>	<b><u>SIGNATURE</u></b>
1.	MR. S. K. GUPTA	PCS	Petitioners	Present in
2.	MR. NARAYAN SHARMA	PCS	Petitioners	Video
3.	MR. A. SRIVASTAVA	Advocate	Respondents	Conference
4.	MS. K. SOBHAMANI	Respondent No.2	in person	
5.	MR. PHIZO NATH	Respondent No.4	in person	

**ORDER**

**Date of Order: 17.08.2021**

Matter is taken up through Video Conferencing. Heard the parties present. The learned Counsels for the Petitioners Mr. S. K. Gupta, PCS and Mr. Narayan Sharma, PCS are present.

2. In the last hearing on 09.08.2021 the Counsel for the Petitioner took more than 30 minutes to complete his arguments. Then his argument was closed in the last hearing.

3. On the other hand, the learned Advocate appearing for the Respondents has submitted and argued that the Petition is not maintainable citing page No.46 of the Petition (AE). There was no such prayer in the application made. He has also submitted that the Petitioner has caused lot of inconveniences to the Company right from the beginning with an intent to take over the Company or earn some profits by selling the shares. **At this stage, the learned Counsel for the Petitioner suddenly wanted to recuse from the case and he left abruptly the hearing conducted through video conference.**

4. **On the other hand the learned Counsel for the Respondent has submitted that the Petitioner has been deliberately avoiding the matter. In the earlier occasions also the learned Counsel for the Petitioner had done the same thing. The learned Counsel of the Respondent has completed his arguments and prayed for passing the order in the application.**

5. **On the other hand, the Respondents No.2, 3 and 4 are represented by the learned Counsel Mr. A. K. Srivastava has also submitted that the application is not maintainable. The Petitioner has been trying to take over the Company or earn profit by selling the shares from the beginning. The Company could not sell the aircrafts at higher prices on account of obstructions from the Petitioner.**

6. **It is observed that the learned Counsel for the Petitioner Shri S. K. Gupta, PCS has been repeatedly pleading before this Bench for last seven months to take his assistance in the case which has been dragged for last 9 years. He has been repeatedly told that if any assistance is required at all, it may be taken. But it is not clear what for the learned PCS appearing for the Petitioner has been repeatedly offering his unsolicited assistance in this old case. He has also been disrupting the proceedings, when the opposite parties used to advance their arguments. His conduct in the Court is not up to the expectation as a Counsel for a litigant.**

7. The Respondents have also submitted that the M/s. Parichit Software Pvt. Ltd. has not filed any affidavit till date as per the Order of this Hon'ble Bench passed on

10.02.2021 wherein M/s. Parichit Software Pvt. Ltd. was advised to file affidavit mentioning the reason for not filing the satisfaction charge with the ROC, in spite of the receipt of the loan amount with interest given to the CD. The learned Counsel has also submitted that the ROC, Guwahati has not submitted his report on the Respondent No.1 Company relating to the charges filed/satisfaction of charges if any from 01.04.2009 till 31.03.2021.

8. Registry is once again directed to serve a copy of the Order to M/s. Parichit Software and the ROC to file their submissions for non-compliance of the order of this Hon'ble Bench dated 10.02.2021 within 15 days from today.

9. However, in the interest of justice, the Petitioner as well as the Respondents are given liberty to file written submissions, if any, within 15 days from today exchanging copy thereof with each other.

**10. Order is reserved.**

**Sd/-**  
**(Prasanta Kumar Mohanty)**  
**Member (Technical)**  
*/Deka-17.08.2021/*

**Sd/-**  
**(H. V. Subba Rao)**  
**Member (Judicial)**