

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-III

Item No.-301
CA(CAA)-12(ND)2020

IN THE MATTER OF:

M/s. Blackie & Son (Calcutta) Pvt.Ltd.

Vs.

Nirja Publishers & Printers Pvt. Limited

....APPLICANT

...RESPONDENT

SECTION

U/s 230-232

Order delivered on 15.07.2020

CORAM:

CH. MOHD. SHARIEF TARIQ

MEMBER (JUDICIAL)

SMT SUMITA PURKAYASTHA

MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. V.P. Sharma, Advocate

For the OL :

For the RD :

For the Intervener :

ORDER

The **CA-319 of 2020** has been filed by Mr. V P Sharma with the prayers to set aside the orders dated 20.05.2020 and another order passed in CA (CAA)12/ND/2020, by the coordinate bench of NCLT in the matter of Scheme of Amalgamation relating to Blackie & Son (Calcutta) Pvt. Ltd. and Nirja Publishers & Printers Pvt. Ltd, DS Digital Private LTD, Safari Digital Education Initiatives and S Chand & Company Ltd, on the ground that earlier CA-12 of 2020 was allowed on 10th of Feb 2020, whereby under para 15(i), Mr. Bijan Kr. Singh was appointed as Chairman and Mr. VP Sharma (the applicant) was directed to act as alternate chairperson.

The applicant submits that without bringing the order dated 10th of Feb 2020 to the notice of the co-ordinate bench, fresh order was obtained in CA(CAA)12/ND/2020. In other words, the orders passed by the coordinate bench of NCLT are contrary to the order dated 10th of Feb 2020, because a different chairman and alternate chairman was appointed, which are *non-est* in law, a coordinate

bench cannot sit in appeal on the order passed by the earlier bench of the NCLT. It appears that it has happened due to inadvertence and particularly due to the fact that at the time of passing the orders by the coordinate Bench, it was not informed that the CA 12 of 2020 was allowed vide order dated 10th of Feb 2020.

In the circumstances, there does not appear any need to issue notice to the concerned. It is in the interest of justice, fair play and good conscious to set aside the subsequent orders dated 20.05.2020 and particularly another order dated-nil-passed by coordinate Bench of NCLT by which another Chairman was appointed to conduct the meetings of the Shareholders/creditors of the companies involved in the Scheme in CA-12/2020. Accordingly, orders dated 20.05.2020 and another order passed by the coordinate bench are *set aside* as illegal and void *ab initio*.

Consequently, the order dated 10th of Feb 2020 stands which is stated to have already been partially complied, the chairman Mr. Bijan Kr. Singh and alternate Chairman Mr. V.P. Sharma shall comply with the order dated 10th of Feb 2020, as if the subsequent orders passed by the coordinate Bench of NCLT did not exist. A copy of this order shall be issued to the applicant, who shall inform the Chairman Mr. Bijan kr. Singh and the companies which are involved in the Scheme of Amalgamation. The reports of the Chairman or alternate Chairman appointed vide order dated 10.02.2020 in CA12 of 2020 shall be submitted to this Bench at the time of filing of second motion along with the record of the meetings conducted.

A dasti of this order shall be issued to the applicant by the Court Master with his signature.

Accordingly, the CA stands allowed.


(MADHU NARULA)
COURT MASTER

MAMTA