

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C. No. 38/(MAH)/2013
CA No.

CORAM:

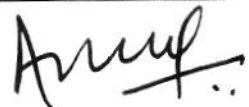
Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 27.09.2016

NAME OF THE PARTIES: M/s. Technofab Engineering Ltd.
V/s.
M/s. Hydroair Technologies Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 58, 59 of the Companies Act 1956.

S. No.	NAME	DESIGNATION	SIGNATURE
1.	Anshul Jain	PCS (Petit.)	

Order

CA 38/58,59/CLB/MB/MAH/2013

On perusal of the order dated 06.05.2016 passed by the Honorable High Court of Bombay in Appeal 249/2015 over an order dated 05-02-2016 in Winding up Petition 523/2012, this Bench has noticed that this petitioner obtained an Interim stay over the Winding Up order dated 05.02.2016.

Basing on the interim stay granted on the winding up order, here it is prayed that this CP is not hit by section 446 of the Companies Act 1956, for the winding up order is stayed. This Bench is therefore prayed to proceed with hearing of this case ignoring the order of winding-up.

The point to be kept in mind is, that the Appellate Court has not set aside or reversed the winding-up order except granting interim stay for some compliance. Such interim stay will not be considered as invalidating

the winding up order, therefore this Bench hereby holds that this case being pending proceeding, since winding up order has been passed while this case is pending, it is squarely hit by section 446 of the Old Act, hence this Company Petition pending before this Bench is hereby stayed until winding-up order is in force.

Sd/-

B.S.V. PRAKASH KUMAR

Member (Judicial)

Sd/-

V. NALLASENAPATHY

Member (Technical)