

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P.No.591/KB/2017

**Present: Hon'ble Member (J) Shri Vijai Pratap Singh  
Hon'ble Member (J) Shri Jinan K.R**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 23<sup>rd</sup> November 2017, 10.30 A.M**

Name of the Company	Shibani Guha -Vs-Metroark Pvt.Ltd.		
Under Section	58/59		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

Aritra Banerjee  
P. P. Bishwal  
Anik Chaudhuri

} Advocate

Petitioner.

Vijay Chandhuri  
23/11/17

1. MR. NIRMALYA DASGUPTA, Adv. }  
2. MR. DIBBANATH DEY, Adv. }  
3. MR. J. PATNAIK, P.C.S. } Respondent

Adv. S.  
23/11/2017

**ORDER**

Ld. Counsel for the petitioner and the respondent are present.

It appears that I.A. No. 492/2017 has been moved by the petitioner for condonation of the delay for 643 days for filing the present application. This application has not been disposed of and the same is pending.

Petitioner has again filed C.P. u/s. 58/59 of the Companies Act, 2013 on account of refusal to enter petitioner's name in the Register of Members.

Before disposal of this interim application office should not have numbered the appeal. Registry is directed to explain how this appeal has been numbered without even allowing the I.A. No. 492/2017. In case I.A. is allowed and delay is condoned then only petition filed under Section 58/59 can be numbered. It is further directed that a petition u/s. 58/59 can only be heard as an appeal. Office is to take note of this fact while registering a case u/s. 58/59, which should be registered as an appeal and not as a company petition.

Respondents are directed to file reply in I.A. No. 492/2017 within 10 days with a copy in advance to the opposite party. Thereafter rejoinder, if any, may be filed within 10 days with a copy in advance to the opposite party.

List on 12/01/2018.

3d

(Jinan K.R.)  
Member (J)

8d

(V.P.Singh)  
Member (J)