

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH: GUWAHATI

I. A. No.33 of 2017
&
I. A. No.42 of 2017(Dy. No.597 of 2017)
IN
T. P. No.02/397/398/GB/2016
[Arising out of C. P. No.05/Kol/2010]

Under Section: 397/398 of the Companies Act, 2013

In the matter of:

Hasmukh Bhai Patel & others	... Petitioners
-versus-	
Doloo Tea Co. (India) Ltd. & others	... Respondents

Order delivered on 19th January, 2018

Coram:
Hon'ble Mr. Justice P. K. Saikia, Member (J)

For the petitioners	:	Mr. D. N. Roy Choudhury, Advocate Mr. K. Chakraborty, Advocate
For the respondent No.1	:	Mr. G. Khandalia, Advocate

ORDER

IA No.33 of 2017

Heard Mr. D. N. Roy Choudhury and Mr. K. Chakraborty, learned Advocates representing the applicants/petitioners. Mr. G. Khandelia, learned Advocate is also present representing the non-applicant/respondent No.1.

2. The learned counsel appearing for the applicants/respondents submit that as per directions of this Bench, in the order passed on 08th December, 2017, the Hon'ble Calcutta High Court was approached for transmission to this Bench some vital documents, the same being the original share certificates of petitioner company, which have huge bearing on the outcome of the dispute under consideration.

3. It has also been submitted that the application so submitted before the Hon'ble Calcutta High Court has not been disposed of as yet. The learned counsel for the applicants/petitioners, therefore, submits that the Registry of the Hon'ble Calcutta High Court may require some time for transmission of

the documents aforesaid to this Bench. In view of above, they prayed that the matter may be deferred for some time.

4. The learned counsel for the non-applicant/respondent No.1 submits that he has already received the copy of the application filed by the applicants/petitioners before the Hon'ble Calcutta High Court seeking transmission of the aforesaid documents to this Bench.

5. Mr. D. N. Roy Choudhury, learned counsel for the non-applicants/petitioners further submits that the non-applicants/petitioners want to produce some documents having vital bearing in the matter under consideration and unless those documents are brought on record, they apprehend that the matter can be adjudicated accurately and appropriately.

6. Mr. G. Khandalia, learned counsel for the applicant/respondent No.1 objected to such a prayer stating that the applicant/respondent must be given an opportunity to know what are those documents which the non-applicants/petitioners want to submit and unless such opportunity is provided to the applicant/respondent, aforesaid prayer should not be accepted.

7. I have heard both the parties. The non-applicants/petitioners are asked to file the appropriate application in accordance with the requirement of law seeking leave for filing the documents stated above and after hearing both the parties hereto, necessary order will be rendered.

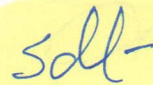
8. In view of above, list the matter on 09th March, 2018 as prayed for by the parties.

I.A. No.42 of 2017(Dy. No.597 of 2017)

9. In view of order rendered in IA No.33 of 2017, list the matter on **09th March, 2018.**

T.P. No.02/397/398/GB/2016

10. In view of the orders passed in I. A. No.33 of 2017 and I. A. No.42 of 2017, T.P. No.02/397/398/GB/2016 is ordered to be listed on 09th March, 2018.



Member (Judicial)

National Company Law Tribunal
Guwahati Bench: Guwahati.

Dated, Guwahati, the 19th January, 2018

Deka/19-01-2018