NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH: GUWAHATI

TP No.16/2016 (CP No.106 /2014)
With
TA No.17/2016 (CA No.681/2014)
TA No.18/2016 (CA No.680/2014)
TA No.19/2016 (CA No.496/2015)
TA No.20/2016 (CA No.593/2015)
And
IA No.17/2017

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

In the matter of:

Shital Jain & Ors.   … Applicants/Petitioners

-versus-

Saroj Realtors & Developers Pvt. Ltd. &
Ors.   …Non-applicants/Respondents

Coram:

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

…………..

O R D E R

Date of Order: 21st December 2017

T.P.No.16/2016 (C.P.No.106/2014)

Mr D. Das, learned Sr. Advocate, assisted by Mr R.P.N. Singh, Mr R. Sarmah and Ms A. Talukdar learned Advocates, is present representing the petitioners. Mr K.K. Goswami, learned Advcote represents the respondents.

2.	Mr K.K. Goswami, learned Advocate for the respondents, submits that the leading counsel, namely, Mr G. Chodhury, could not appear before this Bench today due to some domestic problems and, therefore, prays that the matter be deferred for some time.

3.	I have also heard Mr D. Das, learned Sr. Advocate for the petitioners. Mr Das submits that there is an application, which is registered as T.A.No.18/2016, seeking various reliefs including the impleadment of two new Directors in the board, they being Mr Munindra Choudhury and Mrs Riju Das. According to Mr Das, unless said application is heard and disposed of, proper adjudication of the other connected proceedings will not be possible.

4.	In that connection, learned Sr. Advocate for the petitioners, also submits that exchange of pleadings is completed in the aforesaid proceeding. Therefore, he urges this Bench to dispose of T.A.No.18/2016 before adjudicating the other connected proceedings on board.

5.	It may also be stated here that on the last occasion, this Bench passed the following order in I.A.No.17/2017:

> "IA No.17/2017
>
> Heard Mr. N. N. Jha, Mr. R. P. N. Singh and Mrs. A. Talukdar, learned Advocates appearing for the non-applicants/petitioners. Also heard Mr. Gautam Choudhary and Mr. Bhaskar, Sarma, learned Advocates appearing for the applicants/respondents herein.
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> Mr. Chouhdhury, learned counsel for the applicants/respondents submitted that the reply in the present proceeding (i. e. in IA No.17 of 2017) was served on the lawyers representing the non-applicants/respondents very recently. Therefore, he prays for some time to file rejoinder to the reply filed by the non-applicants/petitioners.
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> In that connection I have also heard the learned counsel for the non-applicants/petitioners, who has also prayed for some time to file sur-rejoinder to the rejoinder to be filed by the applicants/respondents, if necessary.
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> On hearing the counsel for the parties, the applicants/respondents are directed to file rejoinder within three weeks' time from today simultaneously supplying copy thereof to the non-applicants/petitioners. On receipt of the rejoinder from the side of the applicants/respondents, the non-applicants/ petitioners may file sur rejoinder, if necessary, within seven days from the date of receipt of rejoinder.
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> List this matter on 21st December, 2017 along with all connected matters viz. all Transfer Applications, these being TA No.17/2016 (CA No.681/2014), TA No.18/2016 (CA No.680/2014), TA No.19/2016 (CA

No.496/2015) and TA No.20/2016 (CA No.593/2015, as well as Transfer Petition No.16/2016 (arising out of Company Petition No.106/2014)."

6.	However, the Registry has informed that till date, the applicants/respondents in I.A.No.17/2017 have not filed any rejoinder. Therefore, question of filing sur-rejoinder by the non-applicants/petitioners in the said proceeding does not arise.

5.	In view of the above and having regard to the submissions advanced on behalf of the parties, the matter is ordered to be listed on 19.01.2018, as suggested by the learned Advocates for the parties, along with all the other connected proceedings.

6.	The matter, namely, T.A.No.18/2016 will be heard for disposal on that day.

Sd/-

Member (Judicial)
National Company Law Tribunal,
Guwahati Bench,
Guwahati.

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