

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH**

**C.P. No.14/2017
With
I.A.No.28/2017,
Diary No.624/2017 &
Diary No.625/2017**

Under Section 241, 242 of the Companies Act, 2013

In the matter of:

Mukesh Goel & Ors.

... Petitioners

-Versus-

M/S Goel Marketing & Distribution
Company Ltd. & Ors.

... Respondents

Date of Order: 14th November 2017.

Coram:

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

.....

ORDER

C.P.No.14/2017

Mr A. Kalita and Mr R.K. Bhatra, learned Advocates are present on behalf of the petitioners. Mr A. Kalita submits that they have filed the scanned copy of the Vakalatnama and formal Vakalatnama will be filed in a day or two.

2. On the other hand, Mr R. Dubey and Mr A.B. Kayastha, learned Advocates are present representing respondent Nos.1-6 and they submit that they have no objection if the Bench allows the aforesaid learned Advocates to represent the petitioners in this proceeding.

3. Mr R. Dubey, learned Advocate for the respondents submits that due to certain technical reasons they were not in a position to file the sur rejoinder and, therefore, prays for some time to file the sur rejoinder.

4. Seen the letter of the Registry dated 07.11.2017 stating that there are certain defects in the application filed by the petitioners seeking incorporation of certain facts in the petition alleging that certain developments had taken place after the filing of the petition which will have serious bearing on the outcome of present petition.

5. It is further stated that though the Registry, on receipt of the application, had diarised the same but on scrutiny, it was found that the application suffered from several defects which were ordered to be rectified within a period of 7 days from the date of issuance of the said letter.

6. Mr A. Kalita and Mr R.K. Bhatra, learned Advocates for the petitioners submit that they have been engaged very recently and, therefore, they need small accommodation to rectify the defects pointed out in the aforesaid application. In that connection, Mr Kalita submits that he has received the scanned copy of the application but the original copy is yet to be received by him. As such, he is not in a position to rectify the defects within the time fixed by the Registry.

7. On hearing the parties, the petitioners are directed to rectify the defects at the earliest possible time as indicated in the letter dated 07.11.2017 addressed to the learned Advocate for the petitioners.

8. The respondents are directed to file rejoinder immediately supplying simultaneously copy thereof to the learned Advocate for the petitioners.

9. List this matter on 20.11.2017.

I.A.No.28/2017

10. This application has been filed by the applicants/petitioners urging this Bench not to allow the non-applicants/respondents to file their reply since the same was not filed within the time prescribed by this Bench, vide its order dated 30.06.2017. However, this Tribunal, after hearing the parties, had already allowed the non-applicants/respondents to file their reply by its order dated 04.08.2017.

11. That being the position, in view of the order dated 04.08.2017, this application has become infructuous and stands disposed of accordingly.

Diary No.624/2017

12. This application has been filed by the applicants/petitioners seeking extension of time to file rejoinder. It may be stated that rejoinder has been filed vide Diary No.625/2017.

13. This Bench, on the last occasion, i.e. 26.10.2017, passed the following order in regard to filing of application and rejoinder:

"Mr A. Goyal and Mr A. Choudhury, learned Advocates are present for the petitioners. Mr R. Dubey & Ms A.B. Kayastha, learned Advocates are present representing respondent Nos.1-5. Mr S. Sinha, learned Advocate is present on behalf of respondent No.6.

- "2. This Bench, on 06.10.207, after hearing the parties, passed the following operative direction:*

"It is also his case that copy of the leave application and rejoinder has already been furnished to the counsel appearing for the respondents. In that connection, I have heard Mr. Dubey learned counsel for the respondent Nos. 1 to 5.

"On hearing learned counsel for the parties and also in the interest of justice the petitioners are allowed 7 days' time from today to file proper application along with the rejoinder doing other formalities as required. In the event of acceptance of leave application, the respondent would get another 10 days' time there from to file sur rejoinder supplying simultaneously copies thereof to the learned counsel for the petitioners.

"List the matter on 26-10-2017 for further hearing."

- "3. However, in the terms of the aforesaid order, the respondents could not file sur rejoinder within the time fixed by this Bench. However, Mr R. Dubey, learned Advocate for respondent Nos.1-5, submits that for certain reason the said respondents were not in a position to file the sur rejoinder within the time prescribed and, therefore, they are going to file a leave application seeking extension of time for filing sur rejoinder.*

- "4. In that connection, I have heard Mr A. Goyal, learned Advocate for the petitioners.*

- "5. On hearing the learned Advocates for the parties, the respondents are directed to file their application in accordance with requirement of law and rules framed thereunder, seeking extension of time and such application is to be filed on or before 30.10.2017 before the Registry of this Bench. In the event of such an application being filed in accordance with the procedure prescribed, the Registry shall place such application before the Bench for rendering necessary order thereon.*

- "6. Learned Advocates for the petitioners further submit that they have filed application before the Registry seeking incorporation of some reliefs in the petition since some developments have taken place in the meantime. The copy*

of such application has already been furnished to the respondents. It has also been stated that such an application is being scrutinized by the Registry.

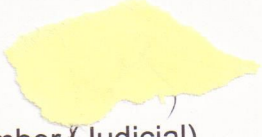
"7. The Registry is directed to lay such application before the Bench by the next date if such application passes the scrutiny. In the meantime, the respondents may file their reply to the said application on or before 30.10.2017.

"8. List this mater on 14.11.2017."

14. In terms of the aforesaid order dated 26.10.2017, the applicants/petitioners, in the meantime, have filed the application seeking extension of time as well as the rejoinder vide Diary No.624/2017 & Diary No.625/2017 respectively. In that connection, I have perused the note of the Registrar as well wherefrom, it appears that the defects pointed out in the application have already been rectified.

15. That being so, in terms of the order dated 26.10.2017, the leave application is allowed and the rejoinder filed by the applicants/petitioners diarised as Diary No.625/2017 is taken on board.

16. Resultantly, Diary No.624/2017 is admitted and disposed of on allowing the prayer therein.



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

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