

NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

**I.A. No.36 of 2017**

**IN**

**I.A. No.06/Of 2017**

**IN**

**T.P. No.26/397/398/GB/2016**

**[Arising out of C.P. No.80/2010]**

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

In the matter of:

Kamakhya Kumar Roy

...Petitioner

-versus-

M/s Bogidhola Tea & Trading Co. Pvt. Ltd. & Ors.

...Respondents

**Order delivered on 04-10-2017**

**Coram:**

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

For the Petitioner : Mr. S. Saikia, Advocate  
Mr. S. K. Baid, FCS

For Respondents No.1 & 4 : Ms. Ankita Kapijal (on behalf of B. Kaushik)  
Respondent No. 2 : Mr. P. K. Roy (in person)  
For Respondent No.3 : Mr. N. B. P. Sinha, Advocate

**ORDER**

Heard Mr. S. Saikia and Mr. S. K. Baid, learned counsel for the applicant, Shri Sajay Kumar Singh who, being son of Late Kamakhya Kumar Roy.

Also heard Ms. Ankita Kapijal, Advocate appearing on behalf of Mr. B. Kaushik, learned counsel for the respondents No.1 and 4 and Mr. P. K. Roy, respondent No.2 who is present in person. Also heard Mr. N. B. P. Sinha, learned counsel appearing for the respondent No.3.

On the last occasion this Bench, with the consent of the parties appointed a committee of Mediators to be headed by Hon'ble Mr. Justice, P. G. Agarwal, retired Judge of Hon'ble Gauhati High Court

with Mr. Pawan Sharma, practicing CA as a member thereof. Necessary communication in that regard was also sent to the Mediators as well for their information and necessary action.

Hon'ble Justice Mr. P. G. Agarwal has given his consent, so also by Mr. Mr. Pawan Sharma, practicing CA. Hon'ble Mr. Justice P. G. Agarwal has also informed this Bench about the structure of fee to be paid by the parties, which was duly communicated to the parties who are present today personally and who are represented by their counsel.

Mr. Abhoy Kr. Singh appearing through his counsel made a request regarding re-constitution of the committee of Mediators. The same was objected to by Mr. P. K. Roy, the respondent No.2 stating that at this stage of the proceeding, there is no scope for entertaining such request.


Considering the materials on record I find no reason to accept the request for re-constitution of the committee of Mediators, since the order dated 18-09-2017 was passed with the consent of the parties. Accordingly, request for re-constitution of the committee of Mediators is rejected.

The parties are directed to help the Registry in preparing the required number of copies of the proceeding for being furnished to the Mediators, for and being further needful from their end. The Registry is further directed to ensure that such copies are prepared within a period of ten (10) days from today. However, the parties will be at liberty to have certified copy of any document which, in their opinion, may be necessary for arriving at a proper settlement of the dispute in the proceeding. Further, the Registry is directed to furnish copies of documents so prepared to the learned Mediators, within another period of three (3) days.

As indicated in the order of this Bench dated 18-09-2017, the Mediators will be at liberty to seek such further information/assistance from the parties (including information as to the person/s having stake in the property in question in the present proceeding), which, in their opinion, may help to settle the dispute in the connected company petition, same being T. P. No.26 of 2016 corresponding to C. P. No.80 of 2010, amicably, once for all.

The parties are directed to appear before the committee of Mediators on 24-10-2017 at 10.30 AM at the residence of Hon'ble Mr. Justice P. G. Agarwal for taking further necessary instructions from the committee of Mediators.

The members of the committee of Mediators are also requested to complete the process of mediation as early as possible, preferably within two (2) months from the date of appearance of the parties before them.



Member (Judicial)

National Company Law Tribunal  
Guwahati Bench: Guwahati.

Dated, Guwahati, the 04<sup>th</sup> October, 2017

Deka/04-10-2017