

C.P. No. 01/2016

In the matter of:

Shanta Prasad Chakravarty & Ors. ... Petitioners

-Versus-

M/S Bochapathar Tea Estate Pvt. Ltd. & Ors. ... Respondents

Coram:

Mr Justice P K Saikia, Member(J)

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ORDER

Date of Order: 3rd October, 2017.

Mr A.K. Roy, Sr. FCS and Mr S.K. Baid, FCS are present before this Tribunal representing the petitioners. Mr S. Bharali and Mr M. Goswami, learned Advocates are present for respondent Nos.1 & 2 and Mr M. Das, learned Advocate represents respondent Nos.3 & 4.

2. Vide order dated 11.09.2017, this Bench was pleased to post this proceeding today for filing sur rejoinder from the side of the petitioner. However, the parties to this proceeding have informed that a talk of compromise is going on between the parties and therefore, there is every likelihood of the dispute being settled amicably.

3. In that connection, the respondents have also submitted a proposal before this Tribunal seeking resolution of the dispute amicably, copy of which was also furnished to the petitioner.

4. Mr A.K. Roy, FCS, on instructions, submits that the petitioner needs some time to examine the proposal advanced from the side of the respondents.

Therefore, he prayed that some time may be granted to the petitioner in that regard. Mr Roy further submits that in order to appreciate the proposal submitted by the respondents some more documents are also required. The documents required are as follows:

- a) A fresh audit by a reputed independent auditor have to be conducted of the account of both the companies i.e. M/s Bochapathar Tea Estate (P) Ltd. & others and Madarkhat Tea Co. (P) Ltd. from the year 2009-2010 till date.
- b) A fresh valuation by a reputed independent valuer to be done by both the companies, namely, M/s Bochapathar Tea Estate (P) Ltd. & others and Madarkhat Tea Co. (P) Ltd.

5. List this matter on 16.10.2017 for hearing.

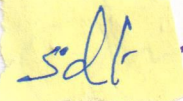
6. In the meantime, the parties shall make necessary exercise regarding selection of firms/agencies who would eventually be entrusted to do the audit and valuation of the companies.

7. In view of the above submission, filing of sur rejoinder from the side of the petitioner is deferred until further orders.

8. Further, as ordered earlier, the mentioning of the company petition pertaining to Madarkhat Tea Co. (P) Ltd. is deferred until further orders.

9. It is alleged by the petitioner that respondents are trying to dispose of some of the properties pertaining to the companies aforementioned which is denied by the respondents.

10. However, taking into consideration all the matters involved in this proceeding and other connected proceedings, the parties are directed to maintain status quo as on today in respect of the assets of the companies until it is directed otherwise.



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

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