

**NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH: GUWAHATI**

**T.P.No.34/391(1)/394/2016  
(C.P.No.14/2016)**

Under Section: 391(1) and 394 of the Companies Act, 2013

**In the matter of:**

Netgen Power (Pvt.) Ltd.  
Kauntia Consultants and Investments (Pvt.) Ltd. and  
N. E. Thermion (Pvt.) Ltd. ... Petitioners

**Coram:**

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

.....

**Date of Order: 14<sup>th</sup> September 2017**

**ORDER**

Mr J.U. Ahmed, learned Advocate submits that Mr A. Nath, the learned Advocate engaged by the petitioner in this proceeding, could not be present today because of some other preoccupations. Mr Ahmed, however, submits that in term of the order passed by this Tribunal on 06.09.2017, a certificate issued by the Statutory Auditor in regard to transactions entered into by the transferor company, namely, M/s Netgen Power Pvt. Ltd. with the other parties after the appointed date i.e. 01.04.2016 has been furnished. The certificate, so issued by the Statutory Auditor is reproduced below:

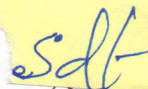
*"This is to certify that the all the transactions entered into by the Transferor Company i.e. M/s Netgen Power Private Limited with its related parties after the appointed date i.e. 01<sup>st</sup> day of April, 2016 is at arm's length."*

2. It has been further submitted that such a certificate has already been submitted before the ROC in terms of the ROC's report dated 29.08.2017.

3. However, the petitioner is directed to file the same before the Registry under affidavit for being tagged with the present proceeding in due course.

4. On the other hand, Mr K. Sanyal, Assistant Director, Office of the Regional Director, N.E. Region, Shillong has sent an email to the effect that the new Regional Director would join only on 15.09.2017 and, therefore, in terms of the order passed by this Tribunal on 23.08.2017, the response of the Regional Director in regard to the prayer made in the present petition could not be placed before this Tribunal today. As such, he has prayed for some time. Prayer is allowed.

5. List this matter on 03.10.2017 for submitting of report by the Regional Director in regard to the prayer made in the present proceeding.



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

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