

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH: GUWAHATI

TP No.16/2016
IN
[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
IN
TP No.16/2016 (CP No.106/2014)

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

In the matter of:

Shital Jain & Ors.

... Petitioner

-versus-

Saroj Realtors & Developers Pvt. Ltd. & Ors.

... Respondents

Coram:

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

O R D E R

Date: 16-08-2017

TP No.16/2016(CP No.106/2014)

Mr. G. Choudhury and Ms. Sushmita Kaushik, learned Counsels are present today representing all the respondents. None present for the petitioners.

I have seen a note of the Registry dated 17-07-2017 as well as the note of the respondents' petition dated 13-07-2017, seeking postponement of hearing date in this proceeding from 17-07-2017 to 21-08-2017. As per the note aforesaid, the petitioners have no objection if, the date is postponed as prayed for by the respondents.

That being the position, I am of the opinion that there is a genuine reason for the petitioners for remaining absent before the Tribunal today. It may be stated here that due to above misunderstanding, the petitioner may be under impression that this proceeding would be taken up for hearing etc. on 21-08-2017. However, it is stated by the learned Counsel for the respondents today, that it will not be

possible for him to be present before this Tribunal on 21-08-2017 due to some unavoidable circumstances. Therefore, he has also requested that the matter may be posted on some other date, preferably in the month of September, 2017.

On hearing the learned Counsel for the respondents in regard to the dispute in the proceeding, I find it necessary to post the proceeding on 15-09-2017 for further hearing.

IA No.17/2017

On being mentioned by Mr. G. Choudhury, the IA is taken up for consideration. This Tribunal on the last occasion, has passed the following Order on 05-05-2017: -

"Seen the application filed by the applicants/respondents seeking calling for some documents pertaining to Chandmari PS Case No.388/2014, Paltan Bazaar PS Case No.296/2017, Dispur PS Case No.428/2017, and CID (Assam) PS Case No.63/2014 stating that such documents are essential for due disposal of the dispute in the connected proceeding which was registered as TP No.16/397/398/GB/2016 (CP No.106/2014).

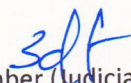
Issue notice to the non-applicants/petitioners to submit reply to the application within 3 weeks from today supplying simultaneously copy thereof to the applicants/respondents. Thereafter, the applicants/respondents, if so, advised may, file rejoinder thereto within one week from the date of receipt of the copies of the reply of the application.

List the matter on 17-07-2017 along with the connected Company Petition.

Applicants/respondents will take steps in the matter of service of notice of the application and the connected documents within 2 days from today on the non-applicants/petitioners"

It is submitted by the Counsel for the applicants/respondents that in compliance of the said order the respondents have taken steps. But, none from the side of the non-applicants/petitioners remains present before the Tribunal today.

That being so, this proceeding also be posted on 15-09-2017 along with all the connected proceedings in the Company Petition.


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

Dated, Guwahati, the 16th August, 2017

Deka/16-08-2017