

I.A.No.31/2017
T P No02/2016
(C P No.05/2010)

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3. Mr D. Roychowdhury & Mr K. Chakraborti, learned Advocates for the non-applicants/petitioners, on the other hand, submit that this application has not been filed in accordance with the prescription of law and as such, the same needs to be rejected.

4. In that connection, it may be stated that the non-applicant/petitioner Nos.1 & 2 and non-applicant/respondent Nos.2, 3, 4a, 4b, 8, 9, 10, 11, 12 & 13 have not been served with copy of the application as required under Rule 23 (5) of the National Company Law Tribunal Rules, 2016 (for short, Rules of 2016).

5. Such a contention has been refuted by Mr R. Banerjee, learned Advocate for the applicant/respondent No.1 stating that the application has been filed by following the prescription laid down in the Companies Act. However, in order to avoid any future difficulties in the framing of the present proceeding, Mr Banerjee prays that the applicant/respondent No.1 may be allowed to withdraw the application with liberty to file it afresh.

6. On hearing the parties, the applicant/respondent No.1 is allowed to withdraw the application with liberty to file it afresh.


7. Learned counsel for the applicant/respondent No.1, however, submits that they have not yet been provided with a copy of the amended cause title of the company petition and, therefore, they are not in a position to know all the respondents in the amended cause title of the company petition.

8. In view of the above, Registry is directed to furnish a copy of the amended cause title of the petition.

9. The I.A. accordingly stands disposed of on withdrawal.

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10. List this proceeding on 30.08.2017 as ordered on the last occasion.


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

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