

**TP No.21/2016
(CP No.188/2015)**

In the matter of:

... Petitioner

-Versus-

... Respondents

Date of Order: 18th July 2017

Coram:

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

Mr P.K. Roy Choudhury, Advocate
Mr A. Bhattacharjee, Advocate
Mr S. Bose, CA

Mr N. Ahmed, Advocate,
Mr Mr U.K. Barman, Advocate,
Mr M. Jain, CA
Mr V.K. Gupta, CA

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ORDER

Mr P.K. Roy Choudhury, Mr A. Bhattacharjee, learned Advocates and Mr S. Bose, CA are present on behalf of the petitioner. On the other hand, Mr N. Ahmed, Mr U.K. Barman, learned Advocates along with Mr M. Jain and Mr V.K. Gupta, CAs remain present representing the respondents herein.

2. On 05.06.2017, this Tribunal, amongst others, passed the following orders:

"In view of the above, the Valuers are directed to submit before this Tribunal the last audited accounts i.e. for the period from 01.04.2016 to

30.06.2017 in detail along with all vouchers, cash book, ledger etc. so that this Tribunal can verify the assets and liabilities of the company on the basis of such report submitted by the Valuers."

3. In terms of the aforesaid order, the valuers/auditors appointed by the respondents have submitted a provisional audited accounts of the company pertaining to the period from 01.04.2016 to 31.03.2017 as well as for the period from 01.04.2017 to 30.06.2017 along with supporting documents.

4. Mr S. Bose, CA, representing the petitioner, has prayed for some time stating that the reports and documents submitted, being voluminous, require some time to ascertain the veracity of the same. In that connection, I have also heard the learned counsel for the respondents who has no objection in granting some time as prayed for, for the purpose aforesaid.

5. On hearing the parties, particularly the CA for the petitioner, I am of the opinion that a short accommodation is required to be given to enable the CA, appointed by the petitioner, to examine the reports and the supporting documents to ascertain the veracity of such reports. Accordingly, the copies of the reports for the periods aforesaid along with the supporting documents be furnished to the counsel/CA appearing for the petitioner.

6. The Registry is, however, directed to compare the documents specified in the index with documents, furnished with the report. If the documents, specified in the index, match with the documents, annexed with the report, the Registry is directed to retain the same in its custody until further orders.

7. The counsel/CA, engaged by the petitioner, may examine the same during office hours during the period from 19.07.2017 to 26.07.2017.

8. Once the examination of documents by the CA for the petitioner is over, original of such documents are to be returned to the learned counsel/CAs for the respondents after obtaining permission from the Tribunal. But the Registry is further directed to ensure that all documents, which are furnished to the Tribunal, are duly returned to the respondents' side.

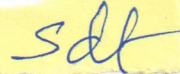
9. It has also been submitted by the learned counsel for the parties that under the Goods and Services Tax, a new regime has come into effect from

01.07.2017 and, therefore, all the dealers including the respondent No.1 company are required to be registered under the new regime on or before 31.07.2017.

10. As agreed to by the parties, Mr Rupak Mahanta, the petitioner herein, shall do the needful to get the company registered under the new regime. In that connection, the learned counsel/CAs for the respondents submit that the respondents would render necessary support to the petitioner as and when such assistance is sought for.

11. List this matter on 04.08.2017 for views of the CA, appointed by the petitioner, on the report submitted by the respondents as well as for further orders.

12. It is made clear that the other instructions in the order dated 05.06.2017 shall continue so that the company is being run as a going concern.



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

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