

IN THE NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH

CP No. 14/241/242/GB/2017
CA No.
IBC No.

Under section 241, 242

In the matter of

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| Mukesh Goel and others. | Petitioner |
| Vs | |
| Goel Marketing and Distribution Co.Ltd. | Respondent |

Coram :

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

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|--------------------------------|-------------------------|
| For the Petitioners | Mr. M.Sukhija, Advocate |
| For the Respondent Nos. 1 to 5 | Mr.R.Debey, Advocate |
| For the Respondent No.6 | Mr.A. Parvez, Advocate. |

O R D E R

Date: 30.06.2017

Heard Mr. M. Sukhija, learned Advocate for the petitioners. Also heard Mr. R.Dubey, learned Advocate representing the respondent Nos. 1 to 5 as well as Mr. A.Parvez, learned Advocate appearing for the respondent No.6.

Mr. Parvez has submitted that respondent No.6, being the State Bank of India, Guwahati Branch, Guwahati, represented by its Manager, is not a necessary party and as such, he urges this Tribunal to delete the respondent No.6 from the cause title. In that connection, it has also been stated that no relief whatsoever has been claimed against respondent No.6.

The fact that no relief has been sought for against the respondent No.6 is also admitted by the learned Advocate for the petitioners. But he also submits that the dispute in the present proceeding is required to be adjudicated in presence of respondent No.6. Therefore, he urges this Tribunal not to concede to the prayer advanced by the learned Advocate for the respondent No.6.

I have considered such submissions and found reason to concur with the submissions advanced by the counsel for the petitioners. It is because of the fact that there are certain averments in the petition which demonstrate that the dispute in the proceeding in hand can be adjudicated well

if respondent No.6 remains on the Board, although, respondent No.6 appears to have been impleaded as proforma respondent.

I have also considered the propriety of impleadment of the Registrar of Companies (in short, the ROC) as respondent No.7. It is found that no allegation has been made against the respondent No.7. Nor did the petitioners claim any relief against the ROC. On considering the materials on record, I have found that there was no justification in impleading ROC as respondent No.7. As such, the petitioners are directed to delete the name of the ROC (respondent No.7) from the cause title.

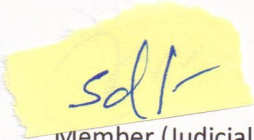
Mr. R.Dubey, learned Advocate for the respondent Nos. 1 to 5 submits that due to some compelling reasons, the respondent Nos. 1 to 5 could not file reply against the claims made in the petition. Therefore, he prays for some time to file reply. Such a prayer was objected to by the petitioners. But Mr. Debey submits that if the prayer for adjournment is not granted, the respondent Nos. 1 to 5 will suffer irreparable loss and injury which cannot be compensated in terms of money.

Mr. A.Parvez, learned Advocate appearing for the proforma- respondent No.6 submits that since no allegation has been made against the respondent No.6 and since no relief is claimed against the Bank, no reply would be file for and on behalf of respondent No.6.

On hearing both the sides, the prayer for adjournment is allowed on the condition that no further adjournment from the side of respondent Nos. 1 to 5 on any count for filing reply would be entertained in future. The respondent Nos. 1 to 5 is directed to file reply within 21st July, 2017 supplying simultaneously copies thereof to the petitioners. The petitioners are directed to file rejoinder, if any, within a week thereafter.

Mr. M. Sukhija, learned Advocate for the petitioners further submits that the prayer made in para (XX) of the petition be allowed since under the law the petitioners have the right to inspect the statutory records pertaining to company on fulfilling the requirement of law. In that connection, I have heard Mr. Dubey and found reasons to defer this matter till next date.

List this matter again on 4th August, 2017 for orders.



Member (Judicial)

National Company Law Tribunal
Guwahati Bench: Guwahati.

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