

## ATTENDANCE-CUM-ORDER SHEET OF HEARING

### NATIONAL COMPANY LAW TRIBUNAL GUWAHATI BENCH

M.A.No.01/2016  
M.A.No.03/2016  
T.A.No.34/2016 (C.A.No.461/2015)  
T.A.No.37/2016 (C.A.No.867/2015)  
In  
T P No 07/397/398/GB/2016  
(C P No.969/2012)

Gomukhi Construction (P) Ltd. ...Petitioner

-Versus-

North East Shuttles (P) Ltd ... Respondents

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

**Date of Order: 18<sup>th</sup> May 2017**

|                     |   |
|---------------------|---|
| Name of the Company | Gomukhi Construction (P) Ltd.<br>-Versus-<br>North East Shuttles (P) Ltd. |
| Under Section       | 397/398   |

| Sl. No. | Name & Designation of Authorized Representative (IN CAPITAL LETTERS) | Appearing on behalf of | Signature with date |
|---------|--|------------------------|---------------------|
|---------|--|------------------------|---------------------|

### ORDER

Mr S.K. Gupta, Sr. PCS and Mr N. Sharma, PCS are present for Gomukhi Constructions (P) Ltd.

2. Mr G.J. Sharma, learned Advocate appears before this Tribunal for and on behalf of Mr S. Dutta, learned counsel for North East Shuttles (P) Ltd. Mr G.J.



Sharma submits that Mr S. Dutta is in bereavement and, as such, Mr Dutta could not appear before this Tribunal today to represent the respondent Nos.1 & 2. He, therefore, submits for and on behalf of Mr S. Dutta that the matter may be adjourned for some time.

3. As per the order of this Tribunal, rendered on 5<sup>th</sup> May, 2017, copies of the order dated 05.05.2017 have been sent to the non-applicants/respondents (in T.A.No.34/2016) by the Registry. The applicant/petitioner (in T.A.No.34/2016) too sent by e-mail copies of such order to the non-applicants/respondents in terms of the direction rendered in the order aforesaid.

4. Referring to the final order dated 25.04.2017 rendered in M.A.No.01/2016, M.A.No.03 / 2016, T.A.No.34 /2016 (corresponding to C.A.No.461/2015) and T.A.No.37/ 2016 (corresponding to C.A.No.867/2015), Mr S.K. Gupta, Sr. PCS submits that inadvertently, the dates of pronouncement of the final orders in the aforesaid proceedings had not been recorded.

5. He further submits that as required under the Rule 50 of the NCLT Rules, 2016, certified copies of final orders are to be furnished to the parties of a proceeding before the NCLT. However, inadvertently, such a direction was not recorded in the final orders aforesaid. But then, the Registry has in the meantime, furnished certified copies to all concerned.

6. Mr S.K. Gupta, however, submits that since the aforesaid mistakes are inadvertent in nature, this Tribunal on invoking the power, conferred on it, under Rule 154 (1), may rectify such mistakes.

7. I have perused the final order having regard to the submissions, advanced by Mr Gupta and have found that some accidental errors did creep up in the final orders which were pronounced in the open court on 25.04.2017 and, therefore, on invoking the power conferred on this Tribunal under Rule 154 (1), said clerical mistakes are required to be rectified.

8. In view of the above, it is ordered that the date of order be incorporated in the cause title of each of the final orders, stated above, and same be incorporated just below the column, used for describing the counsel etc. of the parties.



9. Further, a new paragraph be incorporated in MA No. 1/2016, MA No.3/2016, TA No. 34/2016 and TA No. 37/2016 as 101(A), 44(A), 27(A) and 18 respectively. Each of those paragraph shall read as follows: -

*"The Registry shall send a certified copy of the final order to all concerned free of cost".*

10. Registry shall place the corrected final order before the undersigned for signature and thereafter furnish copy of the corrected final order to all the parties concerned.


11. In so far as submissions made by Mr G.J. Sharma, learned Advocate, seeking adjournment on the ground of bereavement of the mother of Mr S. Dutta, learned counsel for non-applicants/respondent Nos.1 & 2 is concerned , it has been contended that those respondents had already withdrawn the power authorising Mr. Dutta to represent them in the present proceedings and, as such, Mr. Dutta cannot represent respondent Nos. 1 and 2 unless new a Vakalatnama is filed giving necessary power to Mr. Dutta to represent the respondent Nos.1 & 2 in the present proceeding. Till today, there is nothing on record to show that the non-applicants /respondent Nos. 1 and 2 had given any authority to Mr. Dutta to represent them in the present proceeding. Being so, the prayer made by Mr. G.C Sharma cannot be accepted by this Tribunal.

12. On hearing the parties, I have found that such contention needs to be accepted. As such, Mr G.J. Sharma, learned Advocate is directed to inform Mr. Dutta, learned counsel to obtain necessary power from the concerned non-applicants/respondents to represent them in the present proceeding. Such authorisation needs to be obtained at the earliest but under no circumstances at a time beyond the next date fixed.

13. In view of the submission, made by Mr G.J. Sharma, learned Advocate vis-à-vis adjournment of the matter, I find it necessary to adjourn the matter till 25.05.2017 for execution of the order.

14. It needs to be stated that Registry has informed that all the parties to the aforesaid proceedings have, in the meantime, collected the certified copy of the final orders passed by this Tribunal on 25.04.2017.

15. List this matter on 25.05.2017.
16. A copy of this order be sent to all the parties concerned by email available with the Registry.
17. A copy of the final order (corrected), rendered in MA No.03/2016 be also sent to all the authorities mentioned in paragraph 12 (g) of M.A.No.03/2016 for their information and necessary action as indicated in the order itself.



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

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