

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH

IA NO. 05 of 2018

Diary No.01 (43)/2018

In

C.P. No. 01/241(1)/242(4)/243(1)(B)/GB/2016

Under Section 241(1)/242(4)/243(1)(B) of the Companies Act. 2013

In the matter of:

Shanta Prasad Chakravarty & Ors. ... Petitioners

-Versus-

M/S Bochaphathar Tea Estate Pvt. Ltd. & Ors. ... Respondents

Coram:

Mr Justice P K Saikia, Member(J)

.....
ORDER

Date of Order: 2nd February 2018.

Diary No.01 (43)/2018

On being mentioned by Mr A.K. Roy, Sr. FCS, the matter is taken up for consideration.

2. This is an application filed by the applicants/petitioners seeking the following reliefs:

1. That the "The Secretary Cum P.F. Commissioner, Assam Tea Employees Provident Fund & Pension Fund Scheme, Nidhi Bhawan, Lalmati – Basistha, N.H.-37, Guwahati Pin-781029" and "The Recovery Officer, Assam Tea Employees Provident Fund Organization, Dibrugarh Zone, P.O. & Dist.- Dibrugarh, Assam" be added as party defendants in CP 01/2016;

2. *That an instruction be given to the Registry of NCLT, Guwahati Bench to carry out necessary amendments in CP 01/2016 and to issue adequate notices to concerned parties in respect of the instant matter;*
3. *That the "The Secretary Cum P.F. Commissioner, Assam Tea Employees Provident Fund & Pension Fund Scheme" and "The Recovery Officer, Assam Tea Employees Provident Fund Organization, Dibrugarh Zone" be directed to submit all correspondence between the Assam Tea Employees Provident Fund Organization and M/S Bochapathar Tea Estate Private Limited from the year 2004-05 to 13/12/2017 to bring all the facts related to the aforesaid Provident Fund default to the Hon'ble NCLT, Guwahati Bench.*
4. *That the "The Secretary Cum P.F. Commissioner, Assam Tea Employees Provident Fund & Pension Fund Scheme" and "The Recovery Officer, Assam Tea Employees Provident Fund Organization, Dibrugarh Zone" be directed to submit a reply to CP 01/2016.*
5. *That such other incidental or ancillary or consequential relief or order or direction as the Hon'ble NCLT, Guwahati Bench may deem fit in the aforesaid matter be granted."*

2. Seen the note of the Registry wherefrom it appears that this application has been filed in accordance with the prescription of law and rules framed thereunder. Accordingly, Registry is directed to register the same.

3. Mr A.K. Roy, Sr. FCS, appearing on behalf of the applicants/petitioners submits that all the gardens of Bochapathar Tea Estate have been attached in the meantime on the ground of alleged violation of the provisions of the Provident Fund. In that connection, Mr A.K. Roy submits that unless the Provident Fund Department is brought on record, there might be difficulty in deciding properly the dispute in the connected proceeding, namely, C.P.No.01/2016.

4. Mr G. Khandeli, learned Advocate appearing on behalf of the proposed non-applicants/respondent Nos.1&2, on the other hand, submits that the Provident Fund Department needs to be given some time for filing objection against the prayer in the application since according to him the Provident Fund Department is not a necessary party in the proceeding.

5. Mr R.R. Kaushik, learned Advocate, is present representing non-applicants/respondent Nos.3-6.

6. On hearing the legal representatives of the parties, the non-applicant/respondent Nos.1&2 are directed to file their reply, if any, within a period of 7 days from today, supplying simultaneously copy thereof to the applicants/petitioners. The

applicants/petitioners may, if so advised, file rejoinder supplying simultaneously copy thereof to the non-applicants/respondent Nos.1&2.

7. Lit this matter on 12.02.2018 along with C.P.No.01/2016.


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

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