

Single Bench
Court No. 1

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

MENTIONING

C.P. No. 246/KB/2017

611

Present: Hon'ble Member (J) Ms. Manorama Kumari

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 23rd May, 2017, 10.30 A.M

Name of the Company	Ganesh Prashad Yadav & Anr. -VS- Contai Bus Syndicate Pvt Ltd & Ors.		
Under Section	241/242		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. CS SANJAY KUMAR GUPTA
(FCS) } PETITIONERS.
2. CS. ROHIT KUMAR KESHRI
(PCS) }
Rohit Keshri
23.05.17

Date : 23-05-2017 - CP No. 942/2012 – IA 246/KB/2017 – Ganesh Prasad Yadav & Anr Vs. Contai Bus Syndicate Pvt. Ltd. & Ors.

ORDER

On mention by the petitioner, the matter is listed on 23-05-2017.

The petitioner filed the instant proceeding under Sections 59, 213, 222, 241 and 242 of the Companies Act, 2013.

Apart from other prayers, the petitioner has prayed for interim relief by way of restrain order against the Respondent(s) from selling, parting/alienating and/or encumbering or creating any third party interest, whatsoever, in any manner, of the properties, assets, investments of the Respondent No.1, company.

The petitioner has further prayed for passing an interim order at this stage, in respect of assets of Respondent No.1 Company, as there is every likelihood that the Respondent Company may alienate and/or encumber or create third party interest during the pendency of the case; in that event the very purpose of filing the petition will be vitiated.

I have heard the petitioner at length.

Perused the pleading, documents annexed therewith.

The instant application is moved ex parte without any service of notice upon the Respondent(s).

Since the matter is related to immovable property and assets of the Company, if there will be any alienation by way of sell and transfer or by way of creating any third party interest, in that event, the very filing of the petition, will be vitiated and not only this, it will attract multiplicity of the case.

Under such circumstances, I found the balance of convenience is in favour of the petitioner and as such, till the appearance of the respondent(s), both the parties are directed to maintain the status quo with regard to the assets and/ or immovable properties of the Company, as also with regard to the share holding pattern of the Company.

The petitioner is directed to issue notice upon the respondent(s) within a week along with copy of the petition.

Fixing 13-07-2017.

SD/-
MANORAMA KUMARI
MEMBER(J)