

NATIONAL COMPANY LAW TRIBUNAL

GUWAHATI BENCH: GUWAHATI

CONTEMPT PETITION NO.01 OF 2018

&

I.A. No.46 of 2017

IN

CP No.25/241/242/GB/2017

Under Section: 271/272 of the Companies Act, 2013

In the matter of:

Mukesh Goel

... Petitioner

-versus-

Goel Entrade Pvt. Ltd. & Ors.

... Contemnors/respondents

Order delivered on 21-02-2018

Coram:

PRESENT

HON'BLE MR. JUSTICE P.K. SAIKIA, MEMBER (JUDICIAL)

For the Petitioners

: Mr. Rajesh Kumar Bhatra, Advocate

For the Contemnors/respondents

: Mr. Rakesh Dube, Advocate

O R D E R

CP No.25/271/272/GB/2017

Heard Mr. Rajesh Kumar Bhatra, learned counsel appearing for the petitioner. Also heard Mr. Rakesh Dube, learned counsel appearing for the respondents.

2. Mr. Dube, the learned counsel for the respondents submits that this Bench on earlier occasion vide Order dated 31st January, 2018 directed the respondents to file an application seeking extension of time for submission of their reply, at the earliest. However, due to some difficulties the respondents could not file their reply within the extended period of time.

3. In view of above, Mr. Dube once again submits that he may be given opportunity to file application seeking extension of time, so that the respondents can file reply and the dispute can be adjudicated on merit.

4. Such prayer was objected to by the learned counsel for the petitioner stating that enough time has already been given to the respondents to file their reply. But, despite extension of time again and again, the respondents failed to file their reply, thereby causing enormous delay in disposing the

present petition. Therefore, he urges not to grant any extension of time to file reply with a further prayer to dispose of the proceeding on the basis of the materials on record.

5. I have considered the submissions advanced by the parties hereto and found that despite extension of time again and again, the respondents could not file their reply, which has considerably delayed the disposal of the present company petition. However, considering the fact that the parties has also been given opportunities to settle the dispute amicably, for ends of justice, one more chance needs to be given to the respondents to file their reply. Accordingly, the respondents are directed to file application seeking extension of time for filing their reply to the petition, by tomorrow without fail.

6. In the event of filing of such application, Registry would examine the same and if it is found to be in order, same would be placed before the Bench soon thereafter to consider the prayer for extension of time. In the event of acceptance of such prayer seeking extension of time, the respondents shall file their reply within a week supplying simultaneously copy thereof to the petitioner for their necessary action. The petitioner, on receipt of such reply, if so advised, may file rejoinder within a week therefrom, supplying simultaneously copy thereof to the respondents.

7. List the matter on 19th March, 2018.

Cont. Petn. No.01/2018

8. Heard Mr. R. K. Bhatra, learned counsel appearing for the petitioner/applicant and Mr. R. Dube, learned counsel appearing for the respondents/contemnors. Mr. Bhatra, learned counsel for the petitioner/applicant submits that the application is filed seeking initiation of necessary proceeding against the respondents for alleged violation of the directions rendered in the order dated 29-11-2017, passed in I. A. No.46 of 2017 (Dy. No.687/2017). The learned counsel for the respondents/contemnors submits that copies of the application have not yet been received by the respondents.

9. That being so, the applicant/petitioner is directed to supply copy of the application to the respondents/contemnors today itself. The respondents are further directed to file reply within seven days from today, supplying simultaneously copy thereof to the petitioner/applicant. The petitioner/applicant is also directed to file their rejoinder, if so advised, within seven days from the date of receipt of reply from the side of the respondents/contemnors.

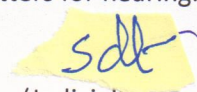
10. List this matter on 19th March, 2018.

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11. Mr. R. K. Bhatra, learned counsel appearing for the applicant/petitioner submits that exchange of pleadings is not yet over. Mr. R. Dube, learned counsel for the non-applicant/respondents also submits that the respondents are yet to file their reply.

12. In view of above, the learned counsel for the non-applicants/respondents are directed to submit reply within seven days from today.

13. List this this matter on 19th March, 2018 along with above two matters for hearing.



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

Dated, Guwahati the 21st February, 2018
Deka/21-02-2018

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