

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Dy.No.478
CP No. 17/140/GB/2017

Under Section: 140 of the Companies Act,2013.

In the matter of:

N.C.Karnany & Company, Chartered Accountants
Karnany Circle, Dewal Road, Jorhat 785001, Assam

-Petitioner

-versus-

New Timonhabhi Tea Co(P) Ltd., a Company Incorporated
Under the Companies Act, 1956, and having its registered office at Seuni All,
A.T. Road, Jorhat-785002, Assam.

-Respondent

Coram:

PRESENT

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

For the Petitioners: Ms. Richa Agarwal, Company Secretary.

ORDER
04.09.2017

This petition has been taken up on being mentioned by Ms. Richa Agarwal, C.S. appearing for the petitioner Firm.

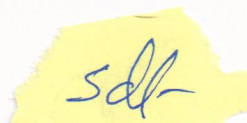
This petition under Section 140 of the Companies Act, 2013 read with Rule 34, 64, 66, 67, 70, 71, 73, 74, 75, 77, 78, 79, 80, 81, 83, 86 and 87 of the National Company Law Tribunal Rules, 2016 is filed by M/s. N.C. Karnany & Company, Chartered Accountants, Karnany Circle, Dewal Road, Jorhat, Assam seeking the following reliefs: -

- "a Declare that the removal of petitioner firm as auditor of Respondent Company as illegal;*
- b Declare that the appointment of M/s A.B.Sharma & Co as auditor of respondent company as illegal.*
- c. Direct the Respondent Company to change its auditor under Section 140(5) of the Companies Act, 2013*
- d. Declare the petitioner firm as Auditor of Respondent Company".*

Heard Ms. Richa Agarwal, C.S. appearing for the petitioner Firm who submits that there are certain defects in the frame up of the present proceeding and therefore she desires that the petitioner may be allowed to withdraw this application with permission to file it afresh.

I have considered such a prayer and found that there are certain defects in the frame up of the present proceeding inasmuch as *M/s A.B.Sharma & Co* has not been made party respondent herein although the removable of *M/s A.B.Sharma & Co*, as being statutory auditor of the respondent company, is sought for in the present proceeding.

Being so, I have accepted the submission made by legal representative appearing for the petitioner and therefore, this proceeding U/s. 140 of the Companies Act is allowed to be withdrawn with permission to file the same afresh, subject to limitation, if any, imposed under the law.



Member (Judicial)

National Company Law Tribunal

Guwahati Bench: Guwahati.

samir