

ATTENDANCE-CUM-ORDER SHEET OF HEARING

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH

Transferred Application No.14/2016
(C.A.No.907/2015)

In

Transferred Petition No 20/397/398/GB/2016

(Company Petition No.143 OF 2015)

Present : Mr Justice P K Saikia, Member(J)

Date of hearing : 9th September, 2016 at 10.30 A.M.

Name of the Company	Binod Kumar Bawri & Ors. -Versus- Calcom Cement India Ltd. and Others		
Under Section	397/398		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

This matter is taken up for consideration on being mentioned by learned counsel for the respondent Nos.1 & 2 as unlisted one.

Mr S. Dutta, learned Senior Counsel along with Ms N. Modi, learned counsel represent the petitioners. While respondent No.2 is represented by learned counsel Mr. S. Saikia, Mr R. Gogoi and Ms B. Bora, Mr. Debasish Baruah represent respondent No.1.

Referring to the order dated 07.04.2016, rendered by the Hon'ble Gauhati High Court in Company Appeal No.02/2015 as well as in CRP No. 409/15, learned counsel for the respondent Nos.1 & 2 have submitted that there is an urgent need to dispose of the present petition as is evident from various factors on record including the order dated 07.04.2016, rendered by Hon'ble High Court in Company Appeal No.02/2015 as well as in CRP No.409/15 which were initiated by the respondent No.2 herein challenging the legality/ propriety of the order dated 27.09.2015, passed by Company Law Board , Kolkotta (in short , CLB, Kolkotta) in CA No 907/2015. It may

be stated here that on transfer of CA No.907/2015 to this Bench, the same was registered and renumbered as TA No.14/2016 in T.P.No.20/2016.

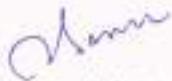
It is worthwhile to note that Hon'ble Gauhati High Court while disposing the Company Appeal No. 2/2015 as well as CRP No. 409/15 had directed the CLB, Kolkatta to dispose of the CA No. 907/15 as expeditiously as possible, preferably within 30 days from the date of receipt of a copy of such order.

However, since CLB stood abolished, in the meantime and in its place, the National Company Law Tribunal (NCLT, in short) came into being and the CA NO 907/15 along with main Company Petition was transferred to this Bench, the proceeding aforementioned could not be taken up and disposed of within the time limit, fixed by Hon'ble High Court and in the result, there has been considerable delay in the disposal of the proceeding in hand.

In view of above, according to learned counsel for the respondents, the present proceeding is required to be disposed of urgently and same may be taken up for final hearing/argument on 20.09.2016 when this proceeding was originally fixed in the order column.

In that connection, I have also heard Mr S. Dutta, learned senior counsel appearing for the petitioners who submits that there are some difficulties on the part of petitioners to advance argument on the dispute in question on the next date, inasmuch as, Mr P. Chatterjee, learned senior counsel, who also represents the petitioners in this proceeding has some other prior engagements in the days running to the next fixed date and as such, Mr. Dutta, learned senior counsel, submits that no change should be made in the cause list as prayed for, rather the proceeding be fixed for order as ordered before.

On hearing the learned counsel for the parties, I am of the opinion that there is necessity in disposing the proceeding in hand (T.A.No.14/2016) urgently, more so, when a time limit had been fixed by Hon'ble High Court which stood expired in the meantime. Resultantly, the present proceeding viz. T.A.No.14/2016 (C.A.907/2015) arising out of T.P.No.20/2016 (C.P.No.143/2015) is posted on 20.09.2016 and that too, for final hearing.



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