

NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, MUMBAI

T.C.P No. 443/(MAH)/2017

CORAM:

Present: SHRI M.K. SHRAWAT  
MEMBER (J)

SHRI BHASKARA PANTULA MOHAN  
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 01.12.2017

NAME OF THE PARTIES: Skyway RMC Plants Pvt. Ltd.  
V/s.  
Kamla Landmarc Construction Pvt. Ltd.

SECTION OF THE COMPANIES ACT: I & BP Code 2016.

S. No.	NAME	DESIGNATION	SIGNATURE
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**ORDER**

**T.C.P. No. 443/I&BP/NCLT/MB/MAH/2017**

1. None present from either side.
2. The matter was transferred from the Hon'ble High Court of Judicature at Bombay pertaining to the provisions of 433(e) of the Companies Act, 1956. On transfer of such Petitions, a list of the Transferred Cases was prepared and duly publicized to inform the parties concerned.
3. In all, so far, number of hearings were granted in this TCP i.e. on 17<sup>th</sup> April, 2017; 28<sup>th</sup> June, 2017, 28<sup>th</sup> July 2017, 3<sup>rd</sup> August, 2017, 24<sup>th</sup> August, 2017, 4<sup>th</sup> October, 2017, 15<sup>th</sup> November, 2017 and 1<sup>st</sup> December, 2017. Number of Notices have also been issued by the Registry; duly available on record. On three occasions i.e. on 03.08.2017, 24.08.2017 and 04.10.2017 Ld. Representatives Mr. Chirag Sancheti and Mr. Raj Oberoy attended and sought time with an undertaking that the due compliance of the I&B Code Provisions shall be made. However, not attended thereafter and compliance has also not been made.
4. The procedure of intimation is threefold, i.e. :
  - (i) The first step is that Cause List is daily uploaded on the NCLT official website for public information;
  - (ii) The second step is that the directions given on hearing is also displayed daily in the NCLT official website; and
  - (iii) The third step is that the status of the Cause List is also displayed in the NCLT official website mentioned the next date of hearing.

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5. Though a number of opportunities were granted to the Petitioner to appear, it seems, the Petitioner is not serious in pursuing the Petition. As a consequence, the Petition is liable to be rejected. However, it is worth to reproduce a paragraph from the latest Notification dated 29<sup>th</sup> June, 2017 [F. No. 1/5/2016-CL-V] (GSR 732 (E), which reads as under:

*"Provided further that any party or parties to the petitions shall after the 15<sup>th</sup> day of July, 2017, be eligible to file fresh applications under sections 7 or 8 or 9 of the Code, as the case may be, in accordance with the provisions of the Code."*

6. Hence, for non-prosecution, TCP 443/2017 is dismissed. However, liberty is granted to the Petitioner to file a fresh Petition, under the Code; to be adjudicated, if deem fit, as per Law.
7. To be consigned to records. Disposed of accordingly.

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Sd/-  
Bhaskara Pantula Mohan  
Member (Judicial)

Sd/-  
M.K. Shrawat  
Member (Judicial)

Dated: 01.12.2017

RK