

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

578
C.P. No.134/2014
IA-85/217

Present: 1. Hon'ble Member (J) Shri Vijai Pratap Singh
2. Hon'ble Member (T) Shri S. Vijayaraghavan

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 19th May, 2017, 10.30 A.M

Name of the Company		Sushil Kumar Agarwal & Anr. -Vs- Eskag Pharma Pvt. Ltd. & Ors.	
Under Section		397/398	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. Mr. Jishnu Chowdhury
2. Mr. Vikas Baisya
3. Mr. Arif Ali
4. Mr. Niladri Banerjee

Advocates

For the Petitioners

Niladri Banerjee

Advocate
19/5/17

5. Mr. Jishnu Saha
6. Mr. Arindam M.
7. Mrs. Anjita Saha
8. Mr. Shrinanda Bose
9. Mr. Raja Sankar

Adv.
Respondents

8th Prod.
19.5.17

ORDER

Ld. Counsels for the petitioners and the respondents are present.

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In this case appointment of valuer was ordered on 09/01/2017 vide preliminary decree passed on 18/11/2016 upon the consent of the parties. Now the Ld. Counsel for the respondents approached this Court for directing appointment of another valuer as the fees demanded by the Ernst & Young is too big and proportionate expenditure would be incurred by them will constitute a high amount.

We have gone through the earlier orders issued by this Tribunal and we are of the opinion that after a lapse of almost 5 months after the order for appointing a valuer for the purpose of valuation it is not desirable to suggest a change at this juncture. It will only delay the valuation of the concerned companies. In case the respondent companies, which have raised this objection or unable to pay the amount the other party who is willing to do so may settle the amount with the audit firm and pay the amount as demanded by M/s. Ernst & Young and the amount paid in excess of the proportion of their own portion will be taken into account and adjusted during the valuation by M/s. Ernst & Young.

The parties to this petition and other related C.Ps. will cooperate with the audit firm in making available the relevant

records and provide access to the factories, offices, books of accounts, etc.


(S. Vijayaraghavan)
Member (T)


(Vijai Pratap Singh)
Member (J)