

IN THE NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH

IA No.35 of 2017

CP No. 01/241(1)/242(4)/243(1)(b)/GB/2016

Under section 241(1)  
242(4)  
243(1)(b)

In the matter of

Shanta Prasad Chakraborty & ors

Vs

M/s. Bochapathar Tea Estate (P)Ltd & ors.

Coram :

**Hon'ble Mr.Justice P.K.Saikia, Member (Judicial)**

O R D E R

Date: 17.08.2017

Mr. S.K.Baid, Company Secretary appears before this Tribunal today on behalf of the applicants . Also Mr.S.Bharali and Ms.M.Goswami, learned counsel have appeared on behalf of the respondent Nos. 1 and 2.

This application has been filed seeking extension of time for filing rejoinder. In that connection, this Tribunal was pleased to pass the following order on 14.08.2017.

For ready reference, the said order is reproduced below:-

*" This matter is taken up for consideration on being mentioned by Mr. S.K.Baid, Company Secretary.*

*Mr. S.Bharali, learned counsel appears before the Tribunal today, representing the respondents No.1 and 2.*

*Mr. S.K.Baid, Company Secretary appears on behalf of the applicants seeking extension of time to file rejoinder, since, the time fixed for filing of rejoinder as stated in the order dated 27.07.2017 is already over. In that connection, the applicant has already filed an application with the Registry seeking extension of time. The said application has been filed in accordance with the requirements of Rule 23(5) of the NCLT Rules, 2016. He further submits that a copy of the application, along with the copy of the rejoinder has already been furnished to the counsel of all the respondents.*

*However, it has been submitted by the Registry that scrutiny of the application seeking extension of time, is going on and some defects therein have already been noticed by the Registry. Mr. Baid, appearing for the applicants however, submits that the applicants will co-ordinate with the*

*Registry in removing the defects already noticed by the Registry and will take necessary steps in this regard immediately.*

*In view of the above, list this matter on 17.08.2017 provided in the meantime, that the application is presented before the Registry in accordance with prescription of law".*

The present application has been filed in accordance with the law and rules framed thereunder. Therefore, this application is admitted for hearing.

In that connection, I have heard Mr.S.Bharali and Ms.M.Goswami, learned counsel for the respondent Nos. 1 and 2. Mr. Bharali submits on instructions from Mr. M.Das and Mr. G. Rahul, learned counsel for the respondent Nos. 3 and 4 that they have no objection, if some time is granted to the applicants for filing rejoinder.

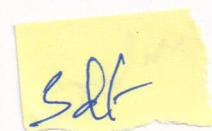
Mr. Bharali, however, submits that in the event of extension of time for filing rejoinder till today, he may be given some time to file sur rejoinder to the rejoinder filed by the applicants/petitioners.

I have considered such submission and found reason to grant time upto 28<sup>th</sup> August,2017 to file rejoinder with a further direction to the respondents to supply simultaneously copies thereof to the legal representative of the non-applicants/petitioners. Non-applicants/petitioners may, if so advised, file sur sur rejoinder within 3 days therefrom supplying simultaneously copies thereof to the counsel for the respondents/non-applicants.

This proceeding is accordingly disposed of.

**CP No. 01/241(1)/242(4)/243(1)(b)/GB/2016**

In view of the orders passed today in IA No.35 of 2017, this petition be posted on 11<sup>th</sup> September, 2017 instead of 21<sup>st</sup> August, 2017 for hearing.



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

Samir