

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH**

T P No.26/2016
(C P No.80/2000)

With

T.A.No.40/2016 (C.A.No.112/2014), T.A.No.41/2016 (C.A.No.90/2013), T.A.No.42/2016 (C.A.No.322/2011), T.A.No.43/2016 (C.A.No.264/2012), T.A.No.44/2016 (C.A.No.639/2011), T.A.No.45/2016 (C.A.No.38/2013), T.A.No.46/2016 (C.A.No.587/2012), T.A.No.47/2016 (C.A.No.715/2010), T.A.No.48/2016 (C.A.No.473/2011), T.A.No.49/2016 (C.A.No.680/2010), T.A.No.50/2016 (C.A.No.78/2014), T.A.No.51/2016 (C.A.No.155/2000), T.A.No.52/2016 (C.A.No.421/2011), T.A.No.53/2016 (C.A.No.464/2010), T.A.No.54/2016 (C.A.No.478/2010), T.A.No.55/2016 (C.A.No.132/2010), T.A.No.56/2016 (C.A.No.376/2011), T.A.No.57/2016 (C.A.No.116/2012), T.A.No.58/2016 (C.A.No.136/2010), T.A.No.59/2016 (C.A.No.310/2011) & T.A.No.60/2016 (C.A.397/2011)

Under Section 397/398 of the Companies Act, 1956

In the matter of:

Sajay Kumar Singh (substituted)

... Petitioners

-Versus-

M/s Bogidhola Tea & Trading Co. Pvt. Ltd. &
Others

... Respondents

Coram:

Hon'ble Mr Justice P K Saikia, Member(J)

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ORDER

Date of Order: 24th January 2018.

Mr S. Saikia, learned Advocate, assisted by Mr S.K. Baid, FCS, is present representing the substituted petitioner. Mr S.K. Singh, substituted petitioner, is also present before this Bench today. Mr A.K. Singh (s/o of Late T.K. Roy), substituted respondent No.3 is present in person. None represents the respondent No.2 before this Bench today.

2. On the other hand, Ms A. Kapinjal, learned Advocate, submits that Mr B. Kaushik, learned Advocate for respondent Nos.1 & 4 could not remain present before this Bench today due to some other preoccupation.

3. I have perused the petition and the analogous applications. In that connection, Registry has also prepared a note wherefrom, it appears that certain miscellaneous applications are said to be pending as of now. In fact, some of these applications have been disposed of.

4. It may be stated that T.A.No.42/2016 (corresponding to C.A.322/2011), T.A.No.43/2016 (corresponding to C.A.264/2012), T.A.No.44/2016 (corresponding to C.A.639/2011), T.A.No.49/2016 (corresponding to C.A.680/2010), T.A.No.50/2016 (corresponding to C.A.78/2014 and T.A.No.59/2016 (corresponding to C.A.310/2011) have been disposed of on 19.07.2011, 17.05.2012, 11.06.2012, 19.07.2011, 03.04.2014 & 30.06.2011 respectively. Registry is, therefore, directed to delete all those proceedings from the cause list.

5. On the other hand, T.A.No.46/2016 (corresponding to C.A.587/2012) was filed by respondent No.3 (in the company petition) seeking a direction restraining the petitioner (in the company petition) from holding any meeting on 27.11.2012 till the disposal of the connected company petition. In my opinion, due to elapse of time, T.A.No.46/2016 (corresponding to C.A.587/2012) has become infructuous.

6. Similarly, T.A.No.55/2016 (corresponding to C.A.132/2010) and T.A.No.57/2016 (corresponding to C.A.116/2012) are applications filed by respondent No.1 company seeking expeditious hearing of T.A.No.49/2016 (corresponding to C.A.680/2010) & T.A.No.44/2016 (corresponding to C.A.639/2011) respectively before hearing the main petition. However, T.A.No.49/2016 (corresponding to C.A.680/2010) & T.A.No.44/2016 (corresponding to C.A.639/2011) had already been disposed on 17.07.2011 and 11.06.2012 respectively. Being so, aforesaid proceedings have become infructuous. Accordingly, those proceedings too stand dismissed for being found redundant.

8. Ms A. Kapinjal, learned Advocate appearing for and on behalf of Mr B. Kaushik, submits that the proceeding be adjourned for some time since they have proposed to challenge some of the orders, passed by CLB and NCLT and, therefore they need some accommodation.

10. The prayer appears to be not very sound. However, considering the fact that Mr B. Kaushik, learned Advocate for respondent Nos.1 & 4 is not present today, I reluctantly adjourn the matter for some time on condition that no further adjournment shall be granted.

11. List this matter along with all the connected proceedings on 20.02.2018.

12. The learned Advocate for the petitioner submits that T.A.No.51/2016 (corresponding to C.A.155/2000) is required to be heard before hearing the other proceedings.

13. Having heard the parties hereto and on going through the records, it is ordered that on the next date, an attempt will be made to dispose of T.A.No.51/2016 (corresponding to C.A.155/2000) before taking up hearing in the other proceedings.

Sd/-

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

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