

NATIONAL COMPANY LAW TRIBUNAL

GUWAHATI BENCH: GUWAHATI

C.P. NO. 28/241(1)/242/243(1)/GB/2017
Diary No.567 of 2017

Shanta Prasad Chakraborty & others

... Petitioners

Versus

M/s. Madarkhat Tea Co. Pvt. Ltd. & others

... Respondents

Under Section: 241/242/243 & 244 of the Companies Act, 2013

C.P. No.01/241(1)/242(4)/243(1)(B)/GB/2016

&

Dy. No.644 of 2017

Under Section: 241(1)/242(4)/243(1) of the Companies Act, 2013

In the matter of:

Shanta Prasad Chakraborty & others

... Petitioners

-versus-

M/s. Bochapathar Tea Estate Private Ltd. & others. ... Respondents

Order delivered on 08-12-2017

Coram:

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

For the Petitioners : Mr. A. K. Roy, FCS

For the Respondents No.1 & 2 : Mr. N. K. Neog, Advocate

For the Respondents No.3 & 4 : Mr. M. Das, Advocate

ORDER

Diary No.567/2017

Seen the note of the Registry. Let this Diary be registered as ~~Company~~ Application.

C.P. No.01/241(1)/242(4)/243(1)(B)/GB/2016
and Diary No.684



Seen the note of the Registry. Let this Diary be registered as Interlocutory Application.

Heard Mr. A. K. Roy, FCS, legal representative for the petitioners. Also heard Mr. N. K. Neog, learned counsel representing the respondents No.1 & 2 and Mr. M. Das, learned counsel representing the respondents No.3 & 4 respectively. Also heard the parties present in person today.

2. Mr. Das and Mr. Neog, learned counsel appearing for the respondents No.1 to 4 have submitted that the counsel who lead the other counsel in the present proceeding from the side of the respondents have been facing serious problems for which they are not in a position appear before this Bench today and requested for adjournment of the matter for some time.

3. Mr. A. K. Roy, learned counsel appearing for the petitioners submitted that though the petitioners are very serious in seeing the matter in dispute settled amicably, yet, they have found some new problems in the way of having the disputes aforesaid settled amicably. In this connection, he has submitted that the petitioners have recently come to know that some of the disputed assets and properties have either been mortgaged or alienated by the respondents.

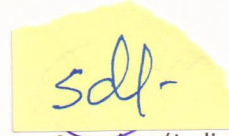
4. Further, the petitioners have apprehensions that more and more disputed properties might have been alienated in the meantime. Therefore, the petitioners are not in a position to know exactly what is the volume of the disputed assets and properties as on today and without knowing the exact volume of the assets and properties, it may not be possible for the petitioners to proceed further in seeking an amicable settlement of the disputes under consideration in the present proceeding.

5. I have also heard the learned counsel appearing for the respondents and the parties present. They requested that all the information regarding the illegalities allegedly committed by the respondents are to be reduced in writing by the petitioners and the same be delivered to the respondents for their perusal and necessary action. The learned counsel for the petitioners has however, submitted the Bench that since they are not in the management of the properties in question over a long period of time, it may not be possible for them to know all the alleged illegalities in regard to the properties of the company in question. Therefore, Mr. Roy submits that the respondents be directed to furnish all information relating to any transactions/alienations etc. affecting the assets and properties of the company since 2005.

6. In view of above, the petitioners are directed to submit before this Bench a list of alleged illegalities which are reportedly committed by the respondents and which are within the knowledge of the petitioners, supplying simultaneously a copy thereof to the respondents within one week from today. The respondents are also directed to give details of any alienation which were done in regard to the disputed assets and properties since 2005.

7. The respondents are to submit before this Bench such report within two weeks from the date of receipt of the list from the side of the petitioners, supplying simultaneously copy thereof to the petitioners, within the time period as stipulated in para 6.

8. List these matters on 10-01-2018.



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

Dated, Guwahati, the 08th December, 2017

Deka/08-12-2017