

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH: GUWAHATI

CP No.14/241/242/GB/2017

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

In the matter of:

Mukesh Goel and others

: Petitioners

-versus-

Goel Marketing and Distribution Co.Ltd.

: Respondents

Coram:

PRESENT

HON'BLE MR.JUSTICE P.K.SAIKIA , MEMBER (JUDICIAL)

For the Petitioners:

Mr. A.Goyal, Mr. A.Choudhury, Advocates

For the Respondents 1 to 5

Mr. R.Dubey, Mr. A.B.Kayastha, Advocate

O R D E R

Date:06.10.2017

Heard Mr. A. Goyal, learned counsel as well as Mr. A. Choudhury, Advocate appearing for the petitioners. Also heard Mr. Rakesh Dubey as well as Mr. A. B. Kayastha, Advocate appearing for the respondent Nos. 1 to 5. None appears for the respondent No.6.

Perused the records. This Tribunal on 04.10.2017 has rendered the following order: -

"ORDER

"Mr. A. Goel, learned counsel appearing for the petitioners submits that he is engaged in the present proceeding very recently as well as that he has appeared before this Bench today first time and as such,

he needs some accommodation from the Bench to enable him to file rejoinder to the reply of the respondents.

This Bench vide order dated 28-08-2017 held that time was given to the petitioners to file rejoinder within a time frame specified therein but the petitioners did not file the rejoinder in time nor made any prayer seeking extension of time for which this Bench was of the opinion that the petitioners were not interested in filing rejoinder to the reply of the respondents.

However, the learned counsel appearing to day submits that due to some very valid reasons, the petitioners could not file the rejoinder in time and if they are not given an opportunity to file rejoinder, the petitioners would not be able either to prosecute their claims or to defend the allegations brought against them properly. He, therefore, urged the Bench to give one more opportunity to the petitioners to file rejoinder in the interest of justice.

In this connection, the learned counsel Mr. Dubey and Ms. Kayastha appearing for the respondents No.1 to 5, as well as Mr. Gogoi, appearing for the respondent No.6 have stated that they have no objection if the petitioners are given an opportunity to file rejoinder.

Accordingly, on hearing both the parties, the petitioners are given liberty to file appropriate application at the earliest possible opportunity seeking permission to file rejoinder to the reply filed by the respondents.

However, it is made clear here that the pendency of the proceedings would not be a bar in settling the disputes herein amicably.

In view of above, the matter is ordered to be listed for further necessary hearing on 04-10-2017.

The learned counsel for the petitioners submits that the leave application seeking extension of time to file rejoinder as well as rejoinder has already prepared but inadvertently some defects crept up for such leave application/rejoinder. He further submits that necessary fees in the form of Bank Draft though arranged could not be presented along with the application. He, therefore, urges this Tribunal to give him little accommodation to rectify the defects so that the application and rejoinder in appropriate form can be filed before the Registry.

It is also his case that copy of the leave application and rejoinder has already been furnished to the counsel appearing for the respondents. In that connection, I have heard Mr. Dubey learned counsel for the respondent Nos. 1 to 5.

On hearing learned counsel for the parties and also in the interest of justice the petitioners are allowed 7 days' time from today to file proper application along with the rejoinder doing other formalities as required. In the event of acceptance of leave application, the respondent would get another 10 days' time there from to file sur rejoinder supplying simultaneously copies thereof to the learned counsel for the petitioners.

List the matter on 26-10-2017 for further hearing.



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

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