

**NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH**

T.A.No.33/2016 (C.A.No.87/2011)

I.A.No.27/2017

In

TP No.02/2016

(C P No.05/2010)

Under Section 397/398 of the Companies Act, 1956

In the matter of:

Hasmukh Bhai Patel & Others ... Petitioners

-Versus-

Doloo Tea Co. (India) Ltd. and Others ... Respondents

**Date of Order: 20<sup>th</sup> July 2017.**

**Coram:**

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

For the petitioners: Mr S.P. Choudhury, Advocate

For the respondents: Mr A. Banerjee, Mr R. Mullick &  
Mr G. Khandalia, Advocates for R1  
Mr M. Sharma, Advocate for R12 (UCO  
Bank)

**ORDER**

I.A.No.27/2017

The applicant/petitioner is present and is represented by Mr S.P. Choudhury, learned Advocate. On the other hand, Mr A. Banerjee, Mr R. Mullick & Mr G. Khandalia, learned Advocates represent Respondent No.1. Mr M. Sharma, learned Advocates represents respondent No.12, namely, UCO Bank.

2. In terms of the order of this Tribunal passed on the last occasion, the petitioner has presented this application for substitution of respondent No.4, Mangal Chakraborty, since deceased by his legal representatives. The names of the legal representatives of respondent No.4 (since deceased) have been mentioned in page 37 of the application, they being:

- (a) Krishna Chakraborty, w/o Late Mangal Chakraborty, Resident of 26A, Paddapukur Road, Kolkata-700020.
- (b) Mainak Chakraborty, s/o Late Mangal Chakraborty, Resident of 26A, Paddapukur Road, Kolkata-700020.

3. It is worth noting here that respondents had no objection whatsoever in regard to substitution of respondent No.4 by his legal representatives. Since the substitution of respondent No.4 by his legal representatives had already been allowed under the order dated 19.04.2017 and since the names of legal representatives of respondent No.4 have already been furnished, the Registry is directed to amend the cause title of company petition by inserting the names of M/s Krishna Chakraborty and Mainak Chakraborty as respondent Nos.4 (a) & 4(b) respectively.

4. Accordingly, this proceeding is allowed.

5. I.A. No.27/2017 accordingly stands disposed of.

T.A.No.33/2016 (C.A.No.87/2011)

6. Mr S.P. Choudhury, learned Advocate for the petitioners/applicants prayed for an adjournment stating that Mr K. Chakraborti, the engaged counsel, has some personal difficulty for which he could not be present today. Such a prayer is not objected to by Mr A. Banerjee, Mr R. Mullick & Mr G. Khandalia, Advocates for respondent No.1/non-applicant.

7. Mr A. Banerjee, learned Advocate for respondent No.1/non-applicant, referring to orders dated 16.03.2017, 19.04.2017 and 09.05.2017, submits that in terms of the orders passed by this Tribunal, the respondents/non-applicants have already filed objection but the petitioners/applicants have not filed reply to the objecting rejoinder of the respondents/non-applicants within the time fixed nor have they sought

for time for fling such reply. As such, Mr Banerjee urges this Tribunal that the petitioners/applicants should not be allowed to file reply to the objecting rejoinder filed by the respondents/non-applicants.

8. I have considered the submission of the learned counsel for respondent No.1/non-applicant and I accept the prayer.

9. List this proceeding on 30.08.2017 for further orders.

TP No.02/397/398/GB/2016 (C P No.05/2010)

10. Mr S.P. Choudhury, learned Advocate for the petitioners is present. Mr A. Banerjee, Mr R. Mullick & Mr G. Khandalia, Advocates represent respondent No.1 Mr M. Sharma, learned Advocate represents respondent No.12 (UCO Bank).

11. The petitioners shall take steps in the matter of service of notice on the newly impleaded respondents.

12. List this proceeding on 30.08.2017 along with connected proceeding.

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

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