

ATTENDANCE-CUM-ORDER SHEET OF HEARING

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH**

M.A.No.01/2016
M.A.No.03/2016
T.A.No.34/2016 (C.A.No.461/2015)
T.A.No.37/2016 (C.A.No.867/2015)
In
T P No 07/397/398/GB/2016
(C P No.969/2012)

Gomukhi Construction (P) Ltd. ...Petitioner

-Versus-

North East Shuttles (P) Ltd...Respondents

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

Date of hearing: 9th March 2017

| | |
|---------------------|---|
| Name of the Company | Gomukhi Construction (P) Ltd. -Versus- North East Shuttles (P) Ltd. |
| Under Section | 397/398 |

| Sl. No. | Name & Designation of Authorized Representative (IN CAPITAL LETTERS) | Appearing on behalf of | Signature with date |
|---------|--|------------------------|---------------------|
|---------|--|------------------------|---------------------|

ORDER

M.A.No.01/2016

Heard Mr S.K. Gupta, Sr. PCS and Mr N. Sarma, PCS representing Gomukhi Constructions (P) Ltd. Also heard Mr S. Dutta, learned counsel for North East Shuttles, on law points. Hearing concluded. Order reserved.



2. Parties, if so advised, may submit the written synopsis of their arguments within a week from today supplying copies thereof to the opposite party simultaneously.

3. List this matter on 17.03.2017 for submitting written synopsis if any by the parties.

T.A.No.37/2016 (C.A.No.867/2015)

4. Mr H. Das, learned counsel for respondent No.4, Phizo Nath in C.P.No.969/2012 (corresponding to T.P.No.07/2016) submits that the order dated 14.11.2014, rendered by CLB, Kolkata needs to be recalled in view of allegations made in the application.

5. Such contention was, however, objected to by Mr S.K. Gupta, Sr. PCS representing Gomukhi Construction (P) Ltd. and submits that in order to bring the contentions in T.A.No.37/2016 to their logical conclusions, the matter requires to be heard at length. In that connection, I have also heard Mr S. Dutta, learned counsel for North East Shuttles.

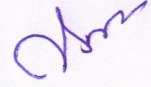
6. On hearing the parties, it is ordered that the matter be listed for hearing on 17.03.2017 along with the other connected proceedings.

7. Mr S.K. Gupta, Sr. PCS submits that the various directions in the orders, passed by this court in this proceeding as well as the order passed by CLB, Kolkata on 14.11.2014 in C.P.No.969/2012 (corresponding to T.P.No.07/2016) have not been complied with by the respondents. The sale agreement dated 13.11.2015, referred to in the affidavit, submitted yesterday before this Court, is a clear pointer to the fact that various orders passed by this Court as well as by CLB on 14.11.2014 were honoured only in violation by the applicant-respondent.

8. Therefore, he urges this court to direct the respondents to comply with the various directions in the orders, passed by this court as well as CLB, Kolkata without any further loss of time. In that connection, he submits that the respondents-applicant be directed to produce before this Court the Sale Agreement dated 13.11.2015, referred to in the affidavit, above, on the next date without fail.

9. Mr Gupta further submits that an order also needs to be passed directing the authority concerned not to allow the aircraft in question to be flown out of the country.

10. Necessary orders on this aspect will be passed on the next date.



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

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