

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P.No 43/2013

CORAM: 1. Hon'ble Member (J) Ms. Manorama Kumari

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 19<sup>th</sup> May, 2017, 10.30 A.M**

Name of the Company		Housing & Urban Development Corporation Ltd.	
		-Versus-	
		Pragati Social Infrastructure & Development Ltd & Ors.	
Under Section		<b>397/398</b>	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. Jaydip Kar, Senior Adv.  
Giddharth Banerjee, Adv.  
Vikram Bhatia, Advocate

petitioner

*[Signature]*  
Adv.  
19/5/2017

Boja Chakrabarti, Adv.

Resp. Nos. 1, 2, 5 &amp; 6

*[Signature]*  
19/5/2017

3. Ankita Mitra, Adv.  
Sourav Ghosh, Adv.  
Akash Dey, CS.

RESP. NO. - 3.

*[Signature]*  
19/5/2017

1. Mr. Sohail Haque, Adv.  
M. S. Pandey, Adv.

resp. no. 10

*[Signature]*  
19.5.17

1. Bindam Banerjee, Advocate  
2. Surabhi Banerjee, Advocate

respondent no. 1 &amp; 2

*[Signature]*  
Adv.  
19/5/17

## ORDER

Ld. Lawyers on behalf of petitioner(s) and on behalf of respondent(s) are present.

Perused the Attendance-cum-Order Sheet, one Ms. Pooja Chakrabarti, Advocate is representing Resp. No.1 and 2 and on the other hand Mr. Arindam Banerjee and Ms Surabhi Banerjee, Advocate are also claiming to represent Resp. No.1 and 2. Both sets of Advocates are expressing their bona fide for Resp. No.1 & 2.

Perused the record, on 09.04.2017 one Mr. Ayush Jain, Advocate appeared on behalf of R.1 and R.2 from the side of the Company and another set of Advocates namely Ms Pooja Chakraborti who appeared. Hence, they were directed to clarify the position or any dispute with regard to the representation of R.1 and R.2. As on today, they have neither clarify their stand to as to who represents Resp. 1 & 2, nor filed any Vakalatnama or Board Resolution in support of their claim for representation. The matter is fixed for hearing and the order has already passed on the last date that there shall not be any further adjournment.

I have gone through the NCLT Rules, 2016, which reads as:

***Rule 119 deal with appearance of authorised representative:***

*Subject to as hereinafter provided, no legal practitioner or authorised representative shall be entitled to appear and act, in any proceeding before the Tribunal unless he files into Tribunal vakalatnama or Memorandum of Appearance as the case may, duly executed by or on behalf of the party for whom he appears.*

***Rule 120 deals with consent for engaging another legal practitioner:***

*A legal practitioner proposing to file a Vakalatnama or Memorandum of Appearance as the case may be, in any pending case or proceeding before the*



*Tribunal in which there is already a legal practitioner or authorised representative on record, shall do so only with the written consent of the legal practitioner or the authorised representative on record or when such consent is refused, with the permission of the Tribunal after revocation of Vakalatnama or Memorandum of Appearance as the case may be, on an application filed in this behalf which shall receive consideration only after service of such application on the counsel already on record."*

The instant C.P. is pending since 2013 and the pleadings completed long back and for some or the other reason the matter is getting adjourned. On the last occasion when the dispute arose with regard to the representation of R.1 and R.2 the counsel has already been categorically asked to clarify the matter but they have failed and also failed to adhere to the rules as provided in the NCLT Rules 119 and 120 as quoted above. Under such circumstances, the petitioner is also not willing to advance his argument at this stage owing to the reason that who would going to represent the Company so that he will advance his argument accordingly as there will be two sets of replies. Under such circumstances, I have found no alternative than to adjourn the case with a cost of Rs.50,000/- is to be imposed upon the persons who proposes to engage new sets of advocates. The amount of Rs.50,000/- to be deposited to the Central Army Welfare Fund before proceeding with the hearing.

Fixed on 12.07.2017.

  
MANORAMA KUMARI  
MEMBER(J)