

**NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH**

I.A.No.42/2017

&

I.A.No.33/2017

In

T.P.No.02/2016(C.P.No.05/2010)

Under Section 397/398 of Companies Act, 1956

In the matter of:

Hasmukh Bhai Petal & Others	...Petitioners
-Versus-	
Doloo Tea Co. (India) Ltd. and Others	... Respondents

**Coram:**

Mr Justice P K Saikia, Member(J)

.....

**ORDER**

**Date of Order: 8<sup>th</sup> December, 2017.**

**I.A.No.42/2017**

Mr S. Sen, Mr A. Banerjee, Mr R. Mullick & Mr G. Khandalia, learned Advocates are present on behalf of non-applicant/respondent No.1. On the other hand, Mr D.N. Roy Choudhury & Mr K. Chakraborty, learned Advocates are present on behalf of the applicants/petitioners.

2            This is an application filed by the applicants/petitioners seeking extension of time to file the application seeking condonation of delay in preferring rejoinder to the reply filed by the non-applicants/respondents. The grounds for its not being able to file in time the application seeking extension of time for filing the



application seeking condonation of delay have been incorporated in the application. The learned Advocate for the applicants/petitioners submits that the grounds mentioned in the application are sufficient enough to show that the applicants/petitioners were prevented from filing the application seeking extension of time for filing the application for condonation of delay in filing the rejoinder to the reply in the company petition.

3. However, such a prayer was objected to by Mr A. Banerjee, learned Advocate for non-applicant/respondent No.1 stating that the grounds mentioned in the application seeking extension of time for filing the application for condonation of delay in filing the rejoinder are based on surmises and conjectures. Therefore, the grounds, not being satisfactory, do not necessitate this Bench to condone the delay in filing the rejoinder.

4. I have heard both sides having regard to the statements made in the application and found reason to conclude that sufficient grounds have been shown for not filing the application seeking extension of time for filing the application for condonation of delay in time.

5. Resultantly, the application seeking extension of time for filing the application seeking condonation of delay in preferring the rejoinder is allowed.

6. The applicant/petitioner has, in the meantime, filed rejoinder. He is advised to file the same in due course.

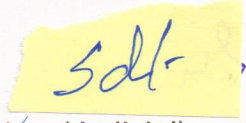
#### **I.A.No.33/2017**

6. Mr S. Sen, Mr A. Banerjee, Mr R. Mullick & Mr G. Khandalia, learned Advocates are present on behalf of applicant/respondent No.1 company. Mr D.N. Roy Choudhury & Mr K. Chakraborty, learned Advocates are present on behalf of the non-applicants/petitioners.

7. Mr S. Sen has advanced arguments on the maintainability of the proceeding. However, arguments could not be completed today for want of the original share certificates which this Bench had directed the non-applicants/petitioners as well as the Registry of this Bench to obtain from the Registry of the Hon'ble Calcutta High Court as the same are in the custody of the Hon'ble Calcutta High Court.



8. Learned counsel for the non-applicants/petitioners is directed to obtain the original share certificates said to be in the Hon'ble Calcutta High Court.
9. List this matter on 19.01.2018 for hearing.
10. Rejoinder/reply in I.A.No.33/2017 be placed before the Registry for scrutiny and for keeping on board if the same are in accordance with law.
11. All connected proceedings may be listed on the same day for further necessary orders.



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

nkm