

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 Order: 25th May 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
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ORDER

Mr S.K. Gupta, Sr. PCS and Mr N. Sharma, PCS are present for Gomukhi Constructions (P) Ltd.

2. Mr S. Dutta, learned Advocate, who earlier represented North East Shuttles (P) Ltd., is also present.

3. Mr S. Dutta submits that since this Tribunal has already received communication from respondent No.2 regarding withdrawal of Power of Attorney from Mr S. Dutta under which he was authorized to represent respondent Nos.1 & 2 in all the proceedings pending before this Tribunal and, as such, he is not in a position today to represent those respondents in the present proceeding anymore. However, he has got a message from one of the Directors of the company that he is going to be appointed to represent respondent No.1 and in that connection, the necessary power of attorney has already been despatched to him and the same is expected to reach him shortly.

4. Mr Dutta further submits that he has lost his mother just 18 days ago and the all the rituals that are to be performed in that connection are yet to be over. As such, he is not in a position to make further submissions in this proceeding today.

5. Mr S.K. Gupta, Sr. PCS, on the other hand, submits that when the power of attorney is withdrawn by respondent No.2 who happens to be the Managing Director of the company, it may not be possible for another Director of the company to appoint Mr S. Dutta as the counsel for respondent No.1 so long as the respondent No.2 continues to be the Managing Director of the company.

6. However, since Mr S. Dutta, learned Advocate has still been in bereavement and he has been facing some personal difficulties, I do not want to make any deliberation on this aspect today.

7. Mr S.K. Gupta, referring to some documents available in the record, further submits that the order dated 14.11.2014 in C.P.No.969/2012 (corresponding to T.P.No.07/2016) needs to be executed without any delay since all the connected proceedings have been disposed of by this Tribunal by now. In that connection, he further submits that since at one point of time, the respondents particularly respondent Nos.1 & 2 urged this Tribunal to pass necessary order for the sale of the aircraft in question under the supervision of this Tribunal, therefore, this Tribunal should pass necessary order for the sale of the aircraft of the company under its supervision and if necessary, a special officer having requisite competence needs to be appointed to help the Tribunal in that regard.

8. However, considering the difficulties faced by Mr S. Dutta, learned Advocate, I feel it not proper to pass any order on such a matter today.

9. Being so, this proceeding be listed on 19.06.2017 for further orders in the matter of execution of the order dated 14.11.2014 in C.P.No.969/2012 (corresponding to T.P.No.07/2016).

10. Mr S.K. Gupta, Sr. PCS, has also prayed that he may be allowed to file an application for initiating necessary proceeding against the respondents for intentionally defying the various orders passed by this Tribunal.

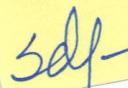
11. On considering the above submission of Mr Gupta, I allow the petitioners to file the application as prayed for but in accordance with prescription of law and Rules framed thereunder.

12. In the event of such an application being filed following the prescription of law and Rules framed thereunder, the application be registered and thereafter, the notice of the same along with copies of the application together with annexures attached therewith be furnished on the non-applicants/respondents for their response on or before the next date.

13. The application be listed on 19.06.2017 along with connected proceedings for further order.

14. The petitioners/applicants are directed to ensure the service of notice along with copies of the application and connected documents upon the non-applicants/respondents by Registered Post with A/D as well as by email.

15. The steps be taken within 3 days from today.



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

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