

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH: GUWAHATI

I.A. No.36 of 2017

IN

I.A. No.06/Of 2017

IN

T.P. No.26/397/398/GB/2016
[Arising out of C.P. No.80/2010]

Under Section: 397/398 of the Companies Act, 2013

In the matter of:

Kamakhya Kumar Roy	...Petitioner
-versus-	
M/s Bogidhola Tea & Trading Co. Pvt. Ltd. & Ors.	...Respondents

Coram:

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

For the Petitioner	: Mr. S. K. Baid, FCS
For Respondents No.1 & 4	: Mr. U. K. Chetry (on behalf of B. Kaushik)
For Respondent No. 2	: Mr. S.N. Gupta, Advocate
For Respondent No.3	: Mr. N. B. P. Sinha, Advocate

ORDER

Date: 18-09-2017

Heard Mr. S. K. Baid, learned counsel for the applicant Shri Sajay Kumar Singh who, being son of Late Kamakhya Kumar Roy, petitioner in C.P. No.80/2000, has sought for impleadment in place of his father Late Kamakhya Kumar Roy.

Also heard Mr. U. K. Chetry, learned advocate who represents today learned counsel Mr. B. Kaushik [counsel representing respondents No.1 and 4] and states that due to some other pre-occupations, Mr. B. Kaushik could not remain present before this Bench. Mr. N. B. P. Sinha, learned counsel remain present representing Mr. Abhoy Kumar Sinha, respondent No.3. Mr. S. Mitra, Assistant Manager of M/s. Boghidhola Rea & Trading Co. Pvt. Ltd. is present representing the respondent No.2.

In terms of the order passed by this Bench on 11-09-2017, the parties hereto have suggested the names of two persons to be the Mediators in order to negotiate between the warring parties in the

connected company petition. The persons whose names were so suggested by the parties are Hon'ble Mr. Justice, P. G. Agarwal, retired Judge of Hon'ble Gauhati High Court and Mr. Pawan Sharma, practicing CA.

In this connection I have also heard the parties. Since the parties have suggested the names of aforesaid persons for mediating amongst the warring parties and since the persons aforesaid are found to be well competent to accomplish the purpose aforesaid, I accept the proposal submitted by the parties hereto. Accordingly, I hereby appoint a Committee of Mediators consisting of Hon'ble Mr. Justice P. G. Agarwal and Mr. Pawan Sharma, practicing CA to be head by Hon'ble Mr. Justice P. G. Agarwal.

The parties hereto are directed to submit before the Registry urgently the following documents:

A) Certified copies of the petition in C. P. No.80/2000 as well as the relevant documents annexed with the petition in three volumes.

B) This Bench had also made several attempts to settle the disputes between the parties amicably and in that process, it secured a proposal submitted from the side of respondent No.2 and 3 in response to which the other parties in the connected company petition as well as members of the company aforesaid had submitted a counter proposal seeking solution of the dispute amicably. The Registry is directed to submit copies of those proposals and counter proposals to the Mediators in three volumes.

Here, it is made clear that the Mediators would have necessary authorities to be carry out the tasks assigned to them and in that connection, the learned Mediators may require the parties to furnish any document which in their opinion would be required to help the parties to settle the dispute in the aforesaid proceeding amicably.

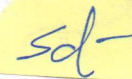
The parties are further directed to extend all cooperation sought for from them by the learned Mediators.

In the meantime, the Registry is directed to send a copy of this order to the learned Mediators for their information and would also try to obtain their consent in that regard.

Necessary order regarding fee etc. of the Mediators would be passed in due course on getting necessary information regarding fee etc. from them.

As requested by the parties hereto, the final order in this proceeding (I.A. No.36) is kept reserved till the matter is resolved by the parties amicably.

List this matter on 04-10-2017 for further order qua the proposals seeking amicable settlement of the dispute.



Member (Judicial)

National Company Law Tribunal
Guwahati Bench: Guwahati.

Dated, Guwahati, the 18th September, 2017

Deka/18-09-2017