

ATTENDANCE-CUM-ORDER SHEET OF HEARING

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH

TP No. 04/397/398/GB/2016 (CP No. 994/2011)

Kanubhai Petal & Ors

- Petitioners

Doloo Tea Co(P) Ltd & ors.

- Respondents

PRESENT

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

Date of Order : 22.03.2017

Name of the Company	
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

Heard Mr. S.N.Mitra, learned Sr. Advocate assisted by Mr.D.N.Sharma, Mr. A.Choudhury, Ms. D.Chatterjee, and Mr.S.S.Ray, learned counsel appearing for the petitioners. Also heard Mr. S.Sen, Mr. A.Banerjee and Mr. R.Mullick, learned counsel appearing for the Respondent No.1.

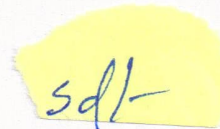
Referring to the order dated 9th December, 2016 rendered in SPL No 29566/2012 by Hon'ble Apex Court of the Country, Mr. S.Sen, learned counsel appearing for the Respondent No.1. submits that in terms of the order dated 09.12.2016, in the aforesaid proceeding, the demurer, filed by the respondent, questioning the maintainability of the present proceeding is required to be heard first.

Mr. S.N.Mitra, Senior Advocate, objected such prayer seeking hearing demurer first stating that the Hon'ble Apex Court order, rendered on 9.12.2016 in the SLP referred to above, requires this court to hear the company petition and other application including demurer simultaneously and also as expeditiously as possible. Therefore, as prayed for by the learned counsel for the respondent, the demurer cannot be heard first, more so, when demurer involves a mixed question of law and facts.

Having heard learned counsel for the parties and also having regard to the pleadings of the parties, I find it necessary to hear the petition itself first.

However, due to paucity of time, Mr. S.N.Mitra, learned Senior counsel could not complete his argument today and prays for some time.

As agree to by the learned counsel for the parties, list the matter again on 19.04.2017 for further hearing as first item.



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

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