

NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, MUMBAI

T.C.P No.49/(MAH)/2013  
CA No. 210/2013

CORAM:

Present:

SHRI M. K. SHRAWAT  
MEMBER (J)

SHRI BHASKARA PANTULA MOHAN  
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 30.11.2017




NAME OF THE PARTIES: Mr. Hanif Gulamal Somji & Ors.

V/s.

M/s. Shirwal Agro Trading Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398 of the Companies Act 1956  
and 241/242 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
--------	------	-------------	-----------

1.	Mahesh Athavale Anagha Anasingaraju	} PCS for Respondent No. 1, 2, 3, 6, 7, 9 to 15	 anagha
2.	Bala Mungam Madar	Ru in person	
3.	Ramin Gerge	Adv for Petitioner	

**COMMON ORDER**

**C.A. No.206/2013 In T.C.P. No. 45/397-398/CLB/MB/MAH/2017**  
**C.A. No.207/2013 In T.C.P. No. 46/397-398/CLB/MB/MAH/2013**  
**C.A. No.208/2013 In T.C.P. No. 47/397-398/CLB/MB/MAH/2013**  
**C.A. No.209/2013 In T.C.P. No. 48/397-398/CLB/MB/MAH/2013**  
**C.A. No.210/2013 In T.C.P. No. 49/397-398/CLB/MB/MAH/2013**  
**C.A. No.211/2013 In T.C.P. No. 50/397-398/CLB/MB/MAH/2013**  
**T.C.P. No. 51/397-398/CLB/MB/MAH/2013**  
**C.A. No.212/2013 In T.C.P. No. 52/397-398/CLB/MB/MAH/2013**  
**T.C.P. No. 53/397-398/CLB/MB/MAH/2013**

1. The Learned Representatives of both the sides are present.

..2..

2. As per the Direction of the Bench the Registry has reserved two days exclusively for final hearing of this group of cases. Accordingly called these cases for hearing.
3. From the side of the Petitioner again seeking adjournment on the ground of non-availability of the Senior Counsel although very much in the knowledge that the matter is listed for Final Hearing today and that no other matter is posted in the Cause List for Final Hearing. It is happening on the side of the Petitioner on many occasions. Number of warnings have also been issued in the past.
4. Learned Representative of the Respondent and one of the Respondent who is a Professional is present and seriously objected the request of Adjournment. The Learned Professional present has stated that on one hand seeking Adjournment but on the other hand filing Police Complaints to harass the Respondents. Pressed for imposition of heavy costs.
5. Considering the lackadaisical and contemptuous behavior of the Petitioner we have no option but to impose a cost of Rs. 3,00,000/- (Rupees Three Lakhs only) on the Petitioner/s to be paid to the Respondents on or before the next date of hearing for defiance of the previous orders and causing inconvenience to the other side on so many occasions in the past especially when travelling from out station subject to payment of costs adjournment granted as a last chance.
6. Mr. Mahesh Athavale Senior Member of the Bar shall receive the amount of Rupees Three Lakhs on behalf of the Respondents.
5. The matter is listed for Final Hearing on **19<sup>th</sup> January 2018**

**Sd/-**

**Bhaskar Pantula Mohan**  
**Member (Judicial)**  
**28.09.2017**

**Sd/-**

**M.K. Shrawat**  
**Member (Judicial)**