

**NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH**

T P No 04/397/398/GB/2016

(C P No.994 of 2011)

With

I.A.No.20/2017,

T.A.No.29/2016

&

I.A.No.16/2017

Under Section 397/398 of the Companies Act, 1956

In the matter of:

Gaurangika Patel (on the death of Kanubhai Patel) &  
Ors.

... Petitioners

-Versus-

Doloo Tea Co. (I) Ltd. & Ors.

... Respondents

**Coram:**

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

.....

**ORDER**

**Date of Order: 22<sup>nd</sup> November 2017**

Mr S.N. Mitra, learned Sr. Advocate assisted by Mr D.N. Sharma, Mr A. Choudhury, Mr N. Dasgupta, Ms D. Chatterjee and Mr S.S. Roy, learned Advocates are present on behalf of the petitioners.

2. Mr S. Sen, Mr A. Banerjee, Mr R. Mullick & Mr G. Khandalya, learned Advocates represent the respondent No.1 company. Mr A. Das & Mr S. Das, learned Advocates represent the respondent No.14. On the other hand, Mr S.K. Medhi,



learned Senior Advocate, Mr S.G. Bhattacharjee and Ms J. Tripathi, learned Advocates, represent respondent No.15.

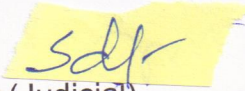
3. It may be stated here that respondent No.1 company has filed an application which is diarized as Diary No.713/2017, once again, questioning the maintainability of this proceeding on several legal grounds. One of the grounds on which the maintainability of the present proceeding is questioned is that an execution proceeding has already been initiated seeking execution of the award by Mr Jayanti Bhajji Patel and same is now pending before the Hon'ble Calcutta High Court vide E.C.No.209 of 2014.

4. According to the Advocate for the respondent No.1, the award which is so sought to be executed in E.C.No.209/2014 provides the very substratum of the present proceeding. Therefore, the present proceeding is not maintainable in view of pendency of aforesaid execution proceeding before the Hon'ble Calcutta High Court. Being so, the respondent No.1 has prayed for stay of proceeding in hand till the disposal of said execution proceeding.

5. Said application was admitted and registered as I.A.No.45/2017.

6. On hearing the parties in I.A.No.45/2017, this Tribunal reserves the order.

7. In view of above, list his matter on 21.12.2017 & 11.01.2018.

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

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