

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

C.P. No. 308/2016

IN THE MATTER OF:

Mr. Hariom Singh

.....**Petitioner**

v.

International Holdings Pvt. Ltd.

.....**Respondent**

SECTION : UNDER SECTION 433(e), 434 of Companies Act, 2013

Order delivered on 10.07.2017

Coram:

CHIEF JUSTICE M.M. KUMAR
Hon'ble President

Deepa Krishan
Hon'ble Member (T)

For the Petitioner(s) :

For the Respondent(s) :

ORDER

This is an application with a prayer for re-transferring the matter to the Hon'ble Delhi High Court on the ground that before transferring the case before this Tribunal the respondent had already been served and was represented before the Hon'ble High Court. In that regard reliance has been placed on a notification No. SO3676(E) dated 07.12.2016 which states that only those cases are to be transferred by the Hon'ble High Court where the service on the respondent has not

been effected in accordance with Rule 26 of Companies (Court) Rules, 1959.

Learned counsel for the applicant has shown us the order dated 22.03.2016 passed by the Hon'ble Delhi High Court in the instant petition which reads as under:-

"Ms. Shukla, learned counsel for the respondent, seeks an accommodation on the ground that Ms. Shagun Sharma, the main counsel, is not available today."

Learned counsel states that inadvertently the aforesaid order could not be brought to the notice of the Hon'ble High Court when the petition was transferred.

Keeping in view the aforesaid facts, we are of the view that the matter deserves to be heard by the Hon'ble High Court in terms of the notification dated 07.12.2016 as the respondents have not only been served but were also represented before the Hon'ble High Court.

Accordingly, this application is allowed. The paper book along with all the applications be sent back to the Hon'ble High Court as early as possible. Parties through their Counsel are directed to appear before the Hon'ble Delhi High Court on 18th August, 2017


(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT


(DEEPA KRISHAN)
(MEMBER TECHNICAL)

Vineet