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BENCH-II

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P.No.252/KB/2017

CORAM: Hon'ble Member (J) Ms. Manorama Kumari

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 26th July, 2017, 10.30 A.M

Name of the Company	Sanjay Kariwala & Ors. -Versus- Kariwala Sarees Pvt.Ltd. & Ors.		
Under Section	241/242		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. MR. NIRMALYA DASGUPTA, ADV
2. MR. S. MITRA, ADV
3. MS. PRITHA BASU, ADV.
4. MR. ROSHAN SENGUPTA, ADV.

for
Petitioners

Prany
26/7/17

1. SWAPNA CHOUBBY, ADV
2. SIDHARTHA SHARMA, ADV

for R, 2, 3, 48}

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26/7/17

26-07-2017 – CP No. 252/KB/2017 – Sanjay Kariwala & Ors. Vs. Kariwala Sarees Pvt. Ltd. & Ors.

O R D E R

The Ld. Lawyer on behalf of the petitioner as well as on behalf of the Respondent(s) are present.

The Respondent(s) have filed the reply yesterday only with a copy to the petitioner.

The petitioner wished to file their rejoinder and prayed for two weeks' time.

Heard, the prayer of the petitioner is allowed. The petitioner is given two week's time to file the rejoinder with copy to the respondent(s).

On perusal of the record, it is reflected that both side were asked to maintain the status quo in respect of composition of Board of Directors, shareholding and fixed assets of the company. There is no injunction with regard to paying of interest and/or dealing with the Bank account. Hence, the parties have the liberty to deal with the Banking transactions so as to ensure day to day smooth running of the Company. Accordingly, the parties are directed to pay the interest on cash credit accounts as per the terms of the Bank.

Both the parties are directed to intimate each other with regard to transactions with the Bank, within a reasonable period.

Both the Ld. Lawyers appearing on behalf of the parties submitted that another case bearing No. 253/KB/2017 with similar parties and similar matter, is also pending with Bench No.1. The parties wished to keep all the three cases together in any of the Benches.

Since CP No. 253/KB/2017 is bearing an odd number, the same has been placed in Bench No.1, in view of the order File No. 25/2/2017-NCLT dated 21-06-2017. I am reluctant to pass any order with regard to placing other two cases to any particular bench as against the order dated 21-06-2017.

The interim order passed on 30-05-2017 will continue till further order, with the clarification which are made today in the order.

Fix on 21-08-2017.

sd.

MANORAMA KUMARI
MEMBER(J)