

**ATTENDANCE-CUM-ORDER SHEET OF HEARING**

**NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH**

T P No 10/397/398/GB/2016  
(C P No.48/2013)

Laxmi Nath Tamuli

...Petitioner

-Versus-

Bhabani Offset Pvt. Ltd. & Ors.

...Respondents

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

**Date of hearing : 15<sup>th</sup> December 2016.**

Name of the Company	Bhabani Offset Pvt. Ltd. & Ors.		
Under Section	397/398		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

**ORDER**

Mr S. Bharali represents respondent Nos.1, 2 & 7 and Mr M. Das represents respondent No.8.

It may be stated here that vide order dated 09.11.2016, it was ordered that, the proceeding in hand would run ex parte against respondent No.3, 4, 5, 6, 9 to 14 & 17, since despite notice having served on them, they chose to remain absent, and that too, without any steps.

However, today, respondent No.3 have filed an application seeking for time to appear before the court. Since by the order dated 09.11.2016, it was ordered that the proceeding in hand would run ex parte against several respondents including respondent No.3, unless a prayer is made for vacation of ex parte order dated 09.11.2016, in respect of respondent No.3, the prayer in the application aforesaid





cannot be accepted. Therefore, the application filed by respondent No.3 stands rejected.

The petitioners remain absent today, and that too, without any step. On the last date also (i.e. 09.11.2016), the petitioners remained absent but step was taken on their behalf seeking time to take steps in the matter of service of notice on some of the respondents. For ready reference, the order dated 09.11.2016 is reproduced below:

*"The petitioner has filed an application stating that his counsel could not appear today and prayed that the matter be adjourned till 14.11.2016. Mr S. Bharali, learned counsel, appears on behalf of respondent Nos.1, 2 & 7.*

*Seen the order dated 21.09.2016. For ready reference, same is reproduced below:*

*"The petitioners are absent. They have filed an application seeking adjournment. Mr S. Bharali and Mr M. Hazarika represent respondent Nos. 1, 2 and 7. It has been stated by the Registry that notice has already been served on respondent Nos.3, 4, 5, 6 and 8 to 17, but they chose to remain absent today. For the ends of justice, Registry is directed to serve notice on the respondents once again by Registered Post with A/D.*

*"List this matter on 20.10.2016."*

*"Registry has informed that notice to respondent Nos.3, 4, 5, 6, 8 to 17 were sent on 23.09.2016. However, it is found that notice sent to respondent Nos.8, 15 & 16 could not be delivered as the addressees could not be traced in the addresses, furnished and, as such, notice sent to these respondents was returned unserved.*


*In view of the above, petitioner is directed to take fresh steps regarding service of notice on respondent Nos.8, 15 & 16. As far as the other respondents are concerned, Registry has informed that notice was delivered to the Postal Department on 23.09.2016 to be served to those respondents by speed post. It has been submitted that notice was sent to those respondents in the proper address.*

*Since one month has passed from the date of sending notice to those respondents and since the addresses were properly quoted on the envelope, I am of the opinion that as per Order 5 Rule 9 of CPC, notice sent to those respondents be treated as served.*

*List this matter on 15.12.2016.*

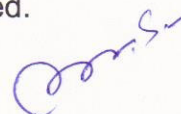
*The petitioner is directed to take steps without fail on respondent Nos.8, 15 & 16, otherwise this proceeding will be dropped against the petitioner on 15.12.2016."*

Registry has informed that the petitioners did not take steps in the matter of service of notice respondent Nos.8, 15 and 16. On further perusal of the record, particularly orders dated 21.09.2016, 29.09.2016 and 09.11.2016, I have found that petitioners are no longer interested in prosecuting the claim in the present proceeding.



Resultantly, this court has no option left but to dismiss the present proceeding for non-prosecution.

The present proceeding accordingly stands dismissed.



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

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