

NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P NO. 382/2008
CA NO.

CORAM:

PRESENT: CHIEF JUSTICE M. M. KUMAR
Hon'ble President

SH. R.VARADHARAJAN
Hon'ble Member (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE PRINCIPAL BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 04.05.2017

NAME OF THE COMPANY: Dalmia Consumer Care P Ltd

SECTION OF THE COMPANIES ACT: 391-393

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1.	Chetana Kandpal	Company Prosecutor	For OL, Delhi	Chetana
2.	C. BALOONI	Company Prosecutor	For R.D (NR)	C Bal
3.	K. P. S. KOTHLI		Adv. (FOR PETITIONER)	
4.	Aparajita, Adv For Sanjay Ghose, Asc		(For Respondent/ONCTD)	

ORDER

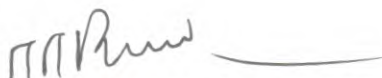
There is consensus between the Counsel for the petitioner and that of the RD that in view of the Judgment of the Delhi High Court in Company Application (M) No. 115 of 2016, Company Petition Nos. 704 of 2014, 948 of 2016 and Company Petition No. 1061 of 2016 etc. (Sunil Gandhi & Anr. Vs. A.N. Buildwell Pvt. Ltd.), the matter needs to be referred back to the Hon'ble High Court. According to the learned Counsel for the parties, a winding up Petition has already been admitted being Company Petition No. 66

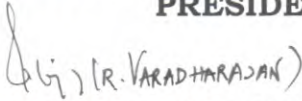
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of 2006 against Dalmia Consumer Care Private Limited on 2nd July, 2008 and the provisional OL has already been appointed. In the aforesaid situation, learned Counsel has placed reliance on the above referred judgment which has concluded that in cases where winding up Petition has been admitted and official liquidator has already been appointed, then any Scheme of arrangement, amalgamation etc. with regard to such a Company shall also be adjudicated only by Hon'ble the High Court without transferring the same to the National Company Law Tribunal. In that regard, reliance has been placed on the observation made in paras 29 & 30 of the Judgment (Annexure A-I).

In view of the aforesaid, Company Petition No. 382 of 2008 titled as 'Dalmia Consumer Care Pvt. Ltd.' shall stand transferred to Hon'ble Delhi High Court.

Registry is directed to transmit all the papers concerning the aforesaid matter to Hon'ble Delhi High Court expeditiously preferably within a period of one week.


(CHIEF JUSTICE M.M.KUMAR)
PRESIDENT


(R.VARADHARAJAN)
MEMBER(JUDICIAL)