

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P No. 109/(MAH)/2013
MA 172/2016 &
CA No. 70/2014, 82/2014 & 91/2014

CORAM:

Present: SHRI M. K. SHRAWAT
MEMBER (J)


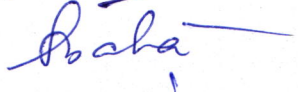

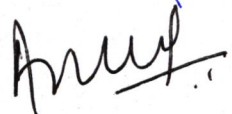


ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 23.03.2017

NAME OF THE PARTIES: Smt. Suman Dheer

V/s.

M/s. Gyan Ganga Educational Institute Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398 of the Companies Act 1956
and 241/242 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
1	M. S. BHARDWAS	Adv for R-6	
2	S. K. Bhat	PCS Adv Father	
3	Srinivas Bobde a/w Ambuj Kumar	Adv for R1 to R3	
4	Anshul Jain, PCS	ARG R4/R5	
3.	PRAVEEN H. SURANUR	Adv for Pet.	
4.	Ms. Sheetal Parkash a/w Mr. N. S. Rodrigues	} Advocate for Petitioner No. 3	

ORDER

MA NO. 172/2016, CA Nos. 70/2014, 82/2014 & 91/2014

IN

TCP No. 109/397-398/CLB/MB/MAH/2013

1. The Learned Representatives of both the sides are present.

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MA NO. 172/2016, CA Nos. 70/2014, 82/2014 & 91/2014

IN

TCP No. 109/397-398/CLB/MB/MAH/2013

-2-

2. At the outset the Learned Counsel of the Petitioner No. 3 has placed a formal letter seeking permission to withdraw from the Petition as Petitioner No.3 in view of some settlement arrived at with R-1. Further, it is informed that vide an Order dated 22.08.2016 passed in the case of Addl. D.J. Raipur such type of identical request of withdrawal had been allowed. As a result, it is hereby decided that the Petitioner No. 3 can be recused from this Petition. However, the rights of the other Petitioners shall not in any manner be prejudiced by his recusal.
3. About the Impleadment of one of the respondent i.e. R-6 who is a Chartered Accountant by Profession; it is demonstrated from certain correspondence and the Orders of the Institute of the C.A. that certain disciplinary actions were taken, but dropped. It is stated that the disciplinary action was found incorrect and the C.A. (R-6) was exonerated from the complaints. Placing reliance on the Order in the case of ***Mr. Arjundas Alreja V/s M/s. Golden Sill & Shelter Pvt. Ltd. in C.P. No. 84 of 2015 decided on 22.08.2016*** it is pleaded that R-6 be excused from the impleadment.
4. Considering the facts and circumstances of the case following a judgement already passed in the case of ***Mr. Arjundas Alreja V/s M/s. Golden Sill & Shelter Pvt. Ltd. in C.P. No. 84 of 2015*** decided by this Bench vide Order dated 22.08.2016; R-6 is held to be not "Necessary" party to decide this Petition, hence not to be impleaded in the Petition.
5. The question on maintainability as raised in C.A. No. 70/2014 is left open today and to be decided on the next date of hearing. Thereafter the Petition shall also be heard accordingly.
6. Matter is adjourned to **17.04.2017**. Date is duly communicated to both the sides.

Sd/-

M.K. Shrawat
Member (Judicial)

Dated: **22.03.2017** *MA*