

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P. No. 64/2007 & 66/2008

CORAM: 1. Hon'ble Member (J) Ms. Manorama Kumari

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 08th March, 2017, 10.30 A.M

Name of the Company		Sree Mohan Jatia & Ors. -Versus- Jatia Cotton Mills Ltd. & Ors	
Under Section		397/397	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

- 1) UTPAL BOSE, SR. ADV.
RATNESH K. RAI, ADV.
ANUNOY BASU, ADV.
SRINJOY BHATTACHAKYA, ADV.

PETITIONER
IN C.P. 64
&
RESPONDENTS
3, 4 & 5 IN
C.P. 66


8/3/17

- 2) Ruto broto Kr. Mitra, Adv
Suvradat Choudhury, Adv
Priyanka Choudhury, Adv

venkateswar
vanijya (I) Ltd
&
Abhyudaya Trading
Ltd in CP 66/2008 (Petitioner)


Adv. 8/3/17

3. Mr. A. Kanodia Adv
Mr. S. Sarkar Adv
Mr. A. Das, Adv.] for R 3


Adv.

ORDER

Ld. Lawyers on behalf of the Petitioners in CP 64/2007 and in CP 66/2008 are present. Ld. Lawyers on behalf of the Respondent Nos.3, 4, 5 & 7 in CP 66/2008 are present.

On perusal of the records, it is found that the matter is pending from 2007 and since then, on some or the other grounds the matter is getting lingered – sometime on the ground of settlement, sometime on the ground of personal problems, etc. Now lastly, when their settlement has not materialised, the respondents prayed for seven days' time to file their reply on the last date, but have failed to file their reply till date. The Respondents again seek for some time, but on perusal of the records, it is found that the right to file reply accrues on the moment when the respondent received the copy of the petition admittedly some time in 2007. But since then they have failed to file any reply, the reason best known to them. Under such circumstances, further time to file reply cannot be permitted, time and again on flimsy ground, when from last 10 years they made no endeavour to defend themselves by filing any reply. Hence right to file any reply by defendants are closed.

The matter is fixed for final hearing of the C.P., Respondent No. 7 prays for adjournment, as his Senior's father-in-law expired yesterday. Since the ground is genuine, the final hearing is adjourned.

One C.A. application No. 58/2013 filed by Shri Sajjan kumar Agarwalla is pending since 2013 with a prayer, that settlement agreement may be given effect. As some of the parties opposing the settlement and also there is direction by the Hon'ble High Court, the matter is again reopened for re-hearing. In view of that this petition is infructuous and hence dismissed.

Fixing 13th April, 2017 for hearing in C.P.64/2007 & 66/2008 along with I.A. No. 76/2016.

(MANORAMA KUMARI)
MEMBER(J)