NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P No. 68/(MAH)/2015
CA No. 47/2016

CORAM: Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 20.09.2016

NAME OF THE PARTIES: Mr. Fidaali Moiz Mithiborwala & Anr.
V/s.
M/s. STMPL Enterprises 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	Fidaali Mithiborwala	Petitioner	Fidaali Mithiborwala
2.	Adv. Vinit Mehta i/b Seema Iyer	Adv for Respondent	

Order
CA No. 47/397-398/NCLT/MB/MAH/2016
IN
CP No. 64 to 68/58,397-398/CLB/MB/MAH/2015

This Bench passed an order on 23.08.2016 for compliance of earlier consent order dated 12.05.2016, it is not that this Tribunal passed an order first time and insist upon compliance of the order immediately.

When the Petitioner failed to comply with earlier order, the situation warranted this Bench to pass another elaborate order on 23.08.2016 stating

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that the Petitioner was to comply with the order dated 23.08.2016 within 15 days after that order was communicated to the petitioner. The impugned order is nothing but affirmation of consent order dated 12.05.2016.

Thereby it goes without saying that when a consent order is passed, no appeal lies unless fraud is attributed to the consent order or at the most jurisdictional aspect. This Petitioner already succeeded in not complying with consent orders for more than 4 months despite non-compliance of the consent order passed on 12.5.2016. Then this Bench passed impugned order giving 15 days' time to the Petitioner for compliance of order dated 12.05.2016 after dealing of the applications filed by the petitioner.

The fact of the matter is that this Petitioner admitted and received the order copy on 08.09.2016, from there, 12 days out of stipulated period of 15 have gone by, yet the Petitioner has made a request that he need 10 days' time to place his nominee in the Committee as stated in the order dated 12.05.2016.

However, having this Bench is of the hope the petitioner would abide the order of this Bench, 10 days' time from hereof for appointing his nominee is extended, or else, the Respondents are at liberty to proceed basing on the order dated 23.08.2016.

Accordingly, this IA is hereby disposed of.

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

Sd/-

V. NALLASENAPATHY
Member (Technical)