

NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P NO. 36(ND)/2016
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 OF PRINCIPAL BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 10.02.2017

NAME OF THE COMPANY: M/s. Rishi Infratech Pvt Ltd. & Ors.
Vs.
M/s. Mahamaya Exports Pvt. Ltd. & Ors.

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

S.NO. NAME DESIGNATION REPRESENTATION SIGNATURE

1. Mr. ASHISH AGGARWAL Adv

2. Ms HARLEEN KAUR Adv

Relatives } Hkaur

1. Saurabh Kalra
2. Harshit Agarwal
3. Palash Agarwal

R-4

R-4

1 Arati kumeri, Adv. / R-1,2,3 & 5

Arati

ORDER

Learned counsel for the petitioner has brought to our notice an order dated 10.11.2016 passed by Hon'ble Delhi High Court directing respondent 1 to file the specified documents in a sealed cover before the National Company Law Tribunal and the needful was required to be done within two weeks from the date of order that is 10.11.2016. However, the documents have not been filed. Accordingly, we direct Respondent 1 that the directions issued by the High Court in the order dated 10.11.2016 be complied with within two weeks from today.



This is an application filed under Order VI Rule 17 with a prayer for incorporating various amendments. Some amendments have been indicated in para 21. It has been prayed that new paras 20A to 20K be permitted to be incorporated in the petition along with the prayer. There is further prayer for adding para G & H to para 21 of the petition giving further illustrations of facts concerning oppression and mismanagement.

Still further the petitioner has prayed for amendment by adding para E to para 21. Then a consequential prayer has also been sought by seeking to amend the relief clause as per the prayer made in para 24. It has further been represented that Mr. Amit Kumar is also required to be impleaded as party respondent No. 6 as he is a necessary party for proper and just adjudication of facts, along with a request for correction of the address of respondent 4.

Notice of the application was issued and a copy was served on the non applicant – respondents. The pleadings are complete.

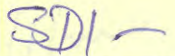

Having heard the learned counsel for the parties and keeping in view the fact that the facts and events which are sought to be incorporated in the CP by way of amendment have occurred after filing of the petition. Therefore, such subsequent events are necessary to be brought on record. Accordingly we allow the application subject to all just exceptions including the issue of delay and laches. The amended petition is already on record.

Notice of the amended petition be issued to all the respondents. The petitioner shall supply a copy of the amended petition to all the respondents including to the newly added one.

Learned counsel for the respondent 4 Mr. Kalia accepts notice.

Reply to the amended petition be filed within four weeks with a copy on advance to the counsel opposite. Rejoinder, if any, be filed within two weeks thereafter with a copy in advance to the petitioner's counsel.

List for further consideration on 10.04.2017.


(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT

(R. VARADHARAJAN)
MEMBER (J)