

NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

C.P. No. 10/2013

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

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 10<sup>th</sup> March, 2017, 10.30 A.M

Name of the Company	Acme Consultants Pvt.Ltd. & Anr. -Versus- Premium Agro Exports Ltd. & Ors		
Under Section	<b>397/398</b>		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

Mr. Aditya Kanodia, Adv. }  
 Mr. S. Sarkar, Adv. } for R13  
 Mr. A. Das, Adv. }

*[Signature]*  
10/3/17

Mrs. Manju Agarwal, Adv. }  
 Mr. Baijany Manot, Adv. } on behalf  
 Mr. D.N. Sharma, Adv. } of +1,3,6

*[Signature]*  
10/3/17

MR. ARITRA BASU, ADV }  
 MR. SANTIV KUMAR TRIVEDI, ADV } petitioner  
 10/3/17

## **ORDER**

The Ld. Lawyer on behalf of the petitioner(s) as well as on behalf of the respondent(s) 1,3,6 and 13 are present.

There are as many as 13 respondents upon whom service report has been received except upon R.9, namely, Shri Gouri Shankar Sharma. There was specific direction to the petitioner to make service upon Shri Gouri Shankar Sharma.

Since 6<sup>th</sup> December 2016 the matter is lingering for service upon R.9 but it was not complied upon. On the last date the petitioner prayed for time for making service upon R.9 and prayer was allowed but he has failed to take any steps. Again on 24.01.2017 a specific direction was given to the petitioner to make a paper publication upon R.9 in two widely circulated newspapers; that too he has failed to comply. Even today he has failed to submit any proof of service on R.9.

In view of the above facts, the CP against R.9 is dismissed with a cost of Rs.10,000/- to be paid to the Army Welfare Fund and proof of payment be submitted to court on the next date.

The original share transfer forms are produced by the respondent but the petitioner denied to conduct inspection on the ground that they are incompetent to inspect the documents in the absence of their clients.

However, the respondent is directed to give them Photostat copy of the transfer forms today itself.

The respondent is also reluctant to argue on the maintainability application which is filed by him/them when the matter is already reflected in the Cause List and praying for some time.

The matter is pending since 2013. Under such circumstances when the cases are reflected in the Cause List and fixed for hearing, it cannot be adjourned without any reasonable ground. The respondent has liberty to file written notes. On the other hand, the petitioner is also not ready to argue or give any reply on the maintainability petition filed by the respondent and pressing hard for adjournment.

The respondent is allowed time to file written notes with a cost of Rs.5,000/- and the petitioner is also allowed time with a cost of Rs.5,000/- to be deposited to Army Welfare Fund, as a last chance to give early reply, if any, along with written notes on 06.04.2017.

Fixed on 06.04.2017.

  
MANORAMA KUMARI  
MEMBER(J)