

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI

T. C.P. NO.44/397-398/CLB/MB/MAH/2014

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH, MUMBAI

T.C.P.NO.44/397-398/CLB/MB/MAH/2014

CORAM:

SHRI M.K. SHRAWAT

MEMBER (JUDICIAL)

IN THE MATTER OF THE COMPANIES ACT 1956, Section 397/398/402/403/406
AND

IN THE MATTER OF:

1. MR. SURESH NARENDRA CHADHA)
2. Mrs. AMITKAUR SURESH CHADHA)
- Both having address at B-1305, Dhiraj Dreams,)
- APS Mill, LBS Marg, Bhandup(W), Mumbai – 400 078.)...Petitioners.

Versus

1. M/s. SHREE SWAMI SAMARTH FISHERIES PVT. LTD.)
- Reg. Add:- Panchsheel 4, A-Wing, 503,)
- Raheja Township, Malad(E) Mumbai – 400 097)...Respondent No.1.
2. Mr. SUDHAKAR RAMKRISHNA BAGALKAR)
- Panchsheel 4, A-Wing, 503,)
- Raheja Township, Malad (E) Mumbai – 400 097) ..Respondent No.2
3. Mr. VINIT SUDHAKAR BAGALKAR)
- Panchsheel 4, A-Wing, 503,)
- Raheja Township, Malad (E) Mumbai – 400 097) ..Respondent No.3
4. Mr. RAJENDRA VITTHAL SHINDE)
- B-15, 1/4, Sector -1, Vashi, Navi Mumbai -400 703)
- Maharashtra.)... Respondent No.4
5. Mrs. SHEETAL RAJENDRA SHINDE)
- F-1/5, 3rd Floor, Sector No.6, Vashi,)
- Navi Mumbai – 400 0703, Maharashtra.).. Respondent No.5

MKS

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI

T. C.P. NO.44/397-398/CLB/MB/MAH/2014

PRESENT ON BEHALF OF THE PARTIES

FOR THE PETITIONER

Mr. M.P. Sharma, Practicing Company Secretary).....Petitioners

ORDER

Date of Hearing : 01st May, 2017

Date of Pronouncement: 01st May, 2017.

1. From the side of the Petitioner, Mr. M.P. Sharma PCS is present.
2. He has reiterated that the Petitioner is not willing to pursue this Petition, hence seeking permission to withdraw this Petition.
3. In this regard a Praecipe dated 17.04.2017 is already on record.
4. From the side of the Respondents, Mr. Sudhakar R. Bagalkar R-2 is present.
5. The admitted factual position is that the Petition was filed on 29.05.2017, however, no Reply has been filed by the Respondents so far. The Respondent No. 2 has stated that some amount is still to be paid by Respondent Nos. 3 and 4 of the Petition. On this question, the Learned Counsel of the Petitioner has stated that the objection raised by the Respondent No.2 is not at all related with the grievance of the Petitioner in this Petition.
6. However, the Learned Counsel has clarified that the Respondents have arrived at a mutual settlement out of Court, which is also not a subject matter of this Petition.
7. Hence the objection of Respondent No. 2 of Withdrawal of Petition by the Petitioner appears to be frivolous, therefore, ruled out. The explanation is not placed; ~~in Law~~ as asked earlier, that how the Petitioner can be stopped from withdrawing this Petition. In the absence of any satisfactory reply, the permission of Withdrawal is hereby granted. MCS
8. The Petition is disposed of. Accordingly the Petition is withdrawn and consigned to Records. No order as to costs.

Dated: 01.05.2017

Sd/-
M.K. Shrawat
Member (Judicial)