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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

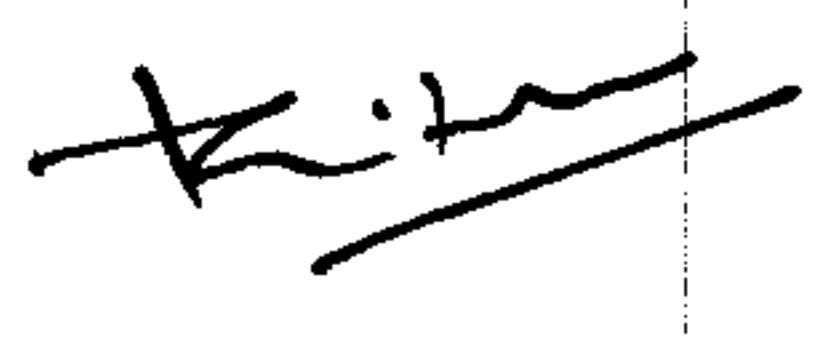

IA 379 of 2017 in C.P. No. 65/241-242/NCLT/AHM/2017

Coram: **Hon'ble Mr. BIKKI RAVEENDRA BABU, MEMBER JUDICIAL**
Hon'ble Ms. MANORAMA KUMARI, MEMBER JUDICIAL

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 24.01.2018**

Name of the Company: Kusum B Kumar & Ors.
V/s.
Sterling Greenwoods Ltd & Ors.

Section of the Companies Act: Section 241-242 of the Companies Act, 2013

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	NAVIN PAHWA WITH	SR. ADV	Respondent	
2.	RITU SHAH FOR THAKKAR AND PAHWA	ADV.		
3.	R.C. Sanjanwala Ankit Shah	So. Adv Adv.	Petitioner	

ORDER

Learned Senior Advocate Mr. Rasesh Sanjanwala with Learned Advocate Ms. Priyal Shah with Learned Advocate Mr. Ankit Shah present for Applicant. Learned Senior Advocate Mr. Navin Pahwa with Learned Advocate Ms. Ritu Shah present for Respondent in IA 379/2017.

Heard arguments of learned Counsel for Applicant and learned Counsel for Respondents in IA 379/2017 in CP 65/2017.

In spite of service of notice the proposed party did not choose to appear in this application.

Original petitioners in CP 65/2017 filed this application to implead Mr. Kanjanbhai Baldevbhai Patel stating that he purchased 2136 sq. metres in survey no. 1525/460 of Ognaj village, 2990 sq metres in survey no. 1525/473 of Ognaj village, 2974 Sq Metres in survey no. 1509 of Ahmedabad, 5000 Sq Metres in survey no 1525/472p in Ognaj village on 20.08.2016, 31.12.2016 and 31.08.2017 which is the property allotted to Respondent no. 1 company.

It is stated that Respondents are engaging in sale of assets of Respondent no. 1 without proper authorisation required for sale of assets of Respondent no. 1 company. It is further stated that the lands were sold to proposed party only to create third party interest. It is also stated that purchaser of the above said properties is proper and necessary party to the proceedings in CP 65/2017.

In reply Respondent no. 1 company stated that the prayers made in this application are all most similar to the prayers made in IA 276/2017 which is filed seeking relief of stay of alienation by Respondent no. 1 company. It is stated in the reply that the sale of land referred to ⁱⁿ the application were made by agriculture co-operative societies and not by the Respondent no. 1 company. It is stated that the Respondent no. 1 company is having development agreement with the agriculture societies and therefore the Board of directors of company passed the resolution approving the alienation of lands by the Society. It is stated that presence of purchaser/ proposed party is not necessary for the disposal of CP 65/2017.

There is no denial of the fact that in the property sold to Kanchanbhai Baldevbhai Patel, the Respondent no. 1 company has got some interest and it is with the approval of the company lands were sold by the agricultural society.

Whether the sale of immovable property in favour of proposed party is genuine sale or nominal sale can only be gone into in the main petition.

Since some third party interest is created over the property in which the Respondent no. 1 company has got some interest, it is not only necessary but also just to hear the purchaser also in order to decide the issues completely and effectively, although the principle that Lis pendis applies to the purchaser that purchased the subject properties during the pendency of proceeding subject to defence of bonafide purchaser ~~and~~ etc.,

Therefore, it is just to implead Mr. Kanjanbhai Baldevbhai Patel ~~is impleaded~~ as Respondent in CP 65/2017.

The prayer (b) cannot be granted without impleading proposed party. The prayer (c) is covered in IA 276/2017. Hence, prayer (c) cannot be granted.

IA 379/2017 is disposed of accordingly granting prayer (a) only.

Applicant/ Petitioner shall carry out necessary amendments in the main petition and serve notice on Mr. Kanjanbhai Baldevbhai Patel to file his reply, if any, within one week from the date of service of notice serving a copy in advance to other sides.


MANORAMA KUMARI
MEMBER JUDICIAL

Dated this the 24th day of January, 2018.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL