

10, 11, 12

**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**

IA 39/2016 & 40/2016 with  
TP Nos. 20-B to E of 2016 with  
TP No. 20/397-398/NCLT/AHM/2016 (New)  
CA Nos. 130/2013, 318/2013, 49/2015, 82/2015  
With CP No. 51/397-398/CLB/MB/2011 (Old)

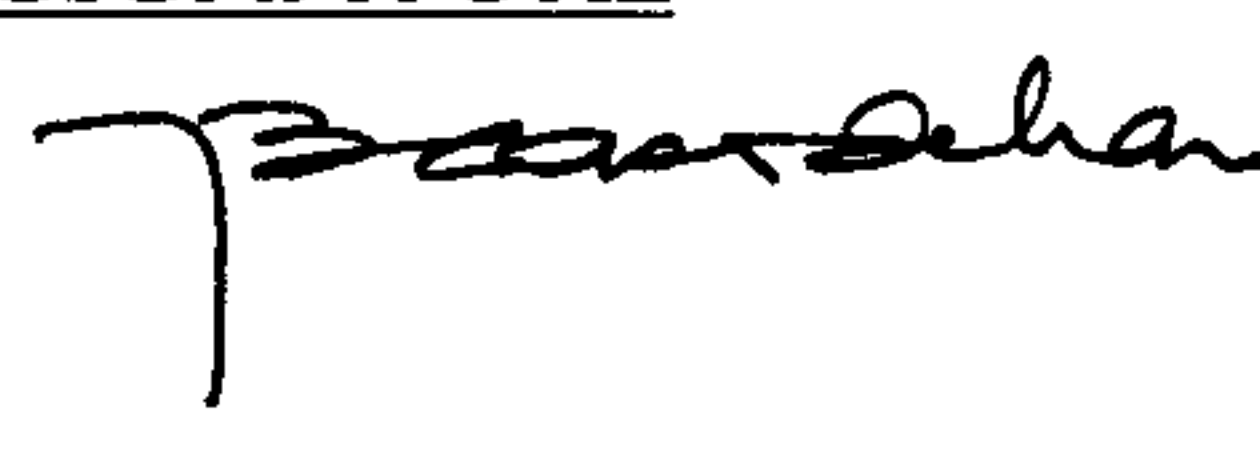



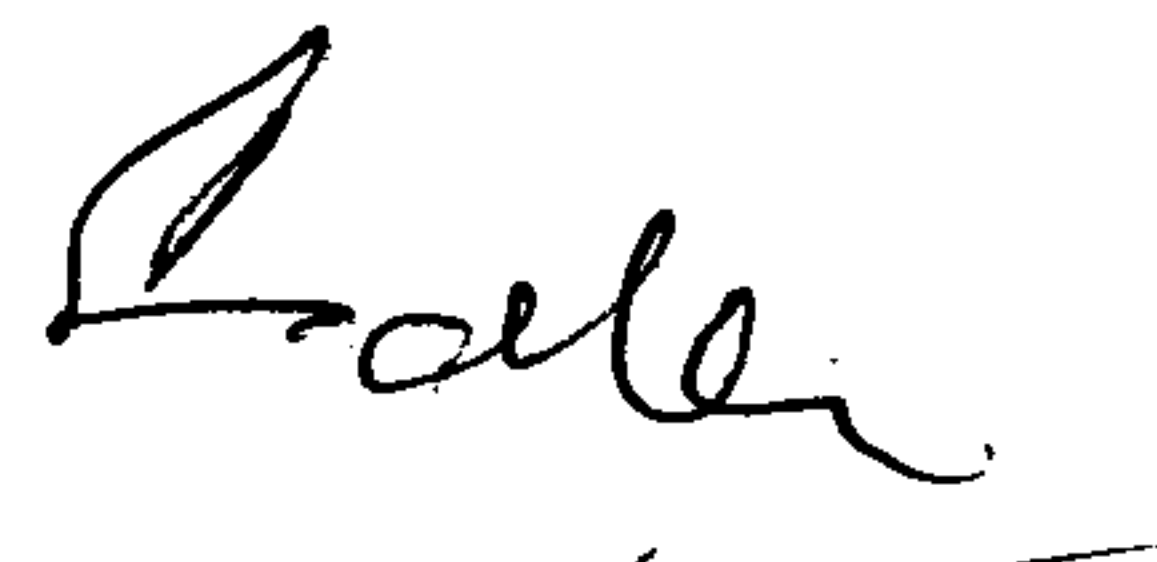
Coram:

Present: Hon'ble Mr. BIKKI RAVEENDRA BABU  
MEMBER JUDICIAL

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD  
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 28.03.2017**

Name of the Company: Nitesh C. Patel & Ors.  
V/s.  
Onex Natura Pvt. Ltd. & Ors.

Section of the Companies Act: Section 397-398 of the Companies Act, 1956

S.NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	M B KASODEKAR	PRACTISING COMPANY SECRETARY for Resp 1 & 3	Resp. 1 & 3	
2.	AJAY ANTARKAR	P.C.S. for Resp-4	Resp 4	
3.	JAY SAVLA	Adv.	Petitioner	
4.	M. B. Gohil	Adv.	Resp No. 2	
5.	L J Golani	Adv.	Debtors Creditors	

**ORDER**

Learned Advocate Mr. Jay Savla present for Original petitioners. Learned PCS Mr. M B Kasodekar present for Original Respondents no. 1 and 3. Learned PCS Mr. Ajay Antarkar present for Original Respondent no. 4. Learned Advocate Mr. M.B Gohil present for Original Respondent no. 2. Learned Advocate Mr. L J Golani present for creditors.

Learned counsel appearing for Respondents no. 1 to 4 not pressed TP 20-B/2016 (CA 130/2013), TP 20-C/2016(CA318/2013) and TP 20-E (CA 82/2015). Hence all the three applications are dismissed as not pressed.

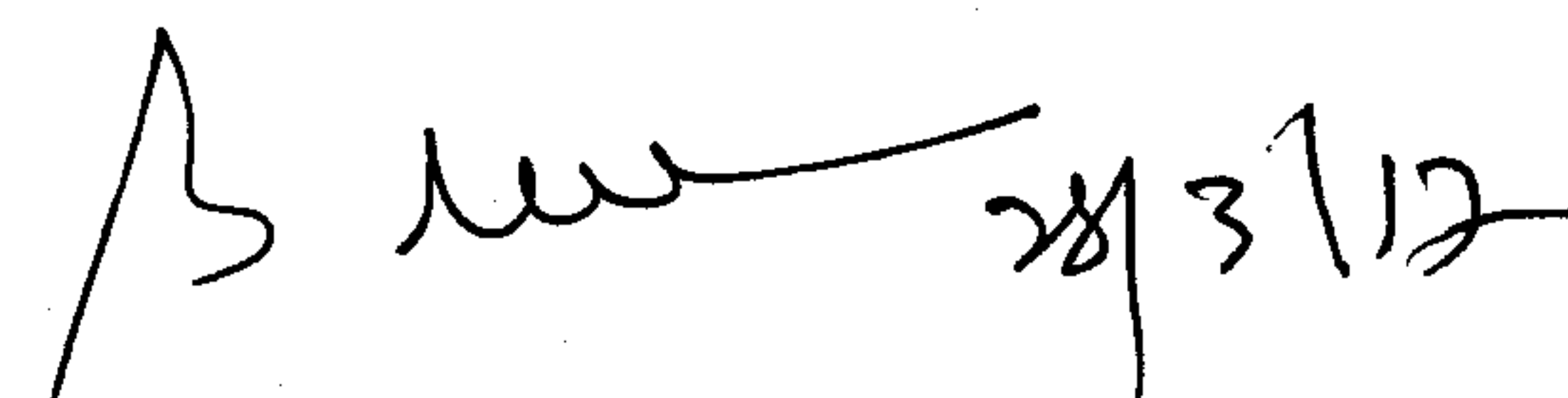
Heard learned Counsel for applicant in IA 40/2016.

This application is filed by the Corporate creditors of the Respondent no. 1 company seeking direction for appointment of the provisional Liquidator to pay the amounts due to them.

In TP 20/2016 no provisional liquidator was appointed. In fact, E- Auctioneer was appointed to sell the immovable property of Respondent no. 1 Company. The main petition is filed under section 397-398. Therefore, the Applicants in IA 40/2016 who claims to be creditors without they being impleaded as parties to the main petition cannot seek directions on the assumption that the provisional Liquidator was already appointed. Therefore, this application is dismissed at admission stage itself. However, the creditors of the company, if any, can certainly seek their remedies according to law in this forum or any other forum.

Reply filed by the original petitioners in IA 39/2016. Applicants in IA 39/2016 wants to file rejoinder. The Applicants in IA 39/2016 shall file their rejoinder within three weeks serving a copy in advance to Original petitioners.

List the matter on 01.05.2017.

  
**BIKKI RAVEENDRA BABU**  
**MEMBER JUDICIAL**

Dated this the 28<sup>th</sup> day of March, 2017.