

National Company Law Tribunal

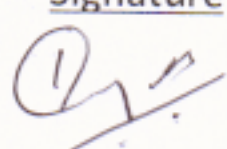
Allahabad Bench

CP No. 28/2015

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 07.09.2017

NAME OF THE COMPANY: Fedders Lyod Companies Pvt. Ltd.

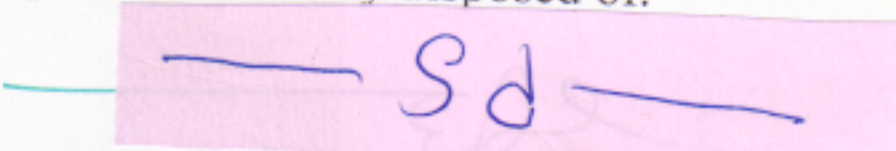
SECTION OF THE COMPANIES ACT: 433/434/439 of Companies Act, 1956.

Sl. NO.	Name	Designation	Representation	Signature
1.	Krishna Dev Vyas	Advocate CP No.28/2015	ROC	
2.	Sh. Rakesh Kumar Srivastava, Advocate for the petitioner. Argument are heard. Learned Central Government Standing Counsel raised an objection on the jurisdiction of this Tribunal pointing out about report dated 10.07.2017 of the ROC, wherein it is informed that the respondent company is having its registered office at 159 O' Clock Phase 3, New Delhi, which falls beyond the jurisdiction of this Bench of the NCLT.			

Keeping in view of the notification no.SO1935E dated 01.06.2016 issued by the Ministry of Corporate Affairs, the Ld. CGSC has submitted that the present petition is not maintainable before this Bench of the NCLT. In the matter, the attention of the petitioner counsel was drawn to erstwhile Section 10 of Companies Act, 1956 read with Section 2(29) of the Companies Act, 2013 which clearly stipulates and indicates that Courts, High Courts is having jurisdiction over the matter means where the registered office of the company is situated. He could not be able to place contrary Rule position showing this Bench's jurisdiction.

Considering such the statutory position, we are of the view that the present petition is not maintainable before this Bench of the NCLT. Hence is liable to be rejected on such ground alone. Hence, the same is rejected.

Notwithstanding the above, the parties are at liberty to move an application in accordance with law before an appropriate forum including the appropriate Bench of the NCLT. It is further made clear that the disposal of this, will not operate as a resjudicata among the parties as we have not dealt with the merits of the case. With the above said observation, the present petition is hereby disposed of.

  
Sri H.P. Chaturvedi, Member (Judicial)

Dated:07.09.2017

Typed by:  
Kavya Prakash