

National Company Law Tribunal

Allahabad Bench

CP NO. 48/ALD/2017

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 11.08.2017

NAME OF THE COMPANY: ALPS Industries Ltd

SECTION OF THE COMPANIES ACT: U/S 241/242 of Companies Act, 2013

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
----------------	-------------	--------------------	-----------------------	------------------

1.

2.

The case is fixed for today for appropriate order in respect of withdrawal application wherein the argument of learned counsel of both the parties were heard on 26th July 2017 and the matter is fixed for today for pronouncement of order.

By this application for withdrawal the state government of Uttarakhand has sought for permission to withdraw the present petition filed in this Tribunal under section 241/242 of the Companies Act, 2013. Keeping in view of changes in statutory position because the I & B Code, 2016 came into effect and consequently provision of section 253 and 261 of Companies Act 2013 stands omitted further an appropriate application only under the provision of I & B Code, 2016 can be filed.

Hence, the present application for withdrawal of petition with seeking liberty to file fresh one. Such request however is strongly opposed by the Respondent counsel on the plea that the State Government of Uttarakhand is having no locus standi to file the present petition. In fact, the respondent filed a company application raising the question of maintainability of present company petition before this tribunal.

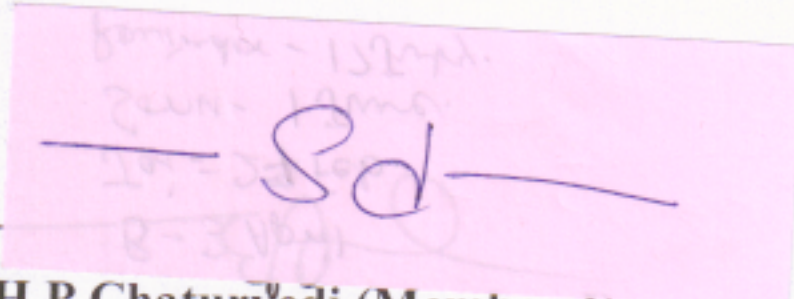
Be it ~~may~~ ^{maybe} so, the factual position, since the petitioner has sought for withdrawal of the present company petition. Hence permission for the same cannot be denied. Moreover, the issue of the Locus Standi of the State Government its competency to file fresh application under the provision of I & B Code, 2016 in this Tribunal or before an appropriate forum can be dealt with and determined by this Tribunal/ such forum at appropriate stage.

Hence, the issue relating to the Locus Standi of "Industry Department of the State Government of Uttarakhand" for filing such petition under the I & B Code, 2016 is kept open to be dealt with by the appropriate forum.

With the above stated observation CA NO 147/2017 is allowed. Consequently, the main petition CP NO 48/ALD/2017 stand finally disposed as withdrawn,

No order as to cost.

Date- 11/08/2017


H.P Chaturvedi (Member J)