

National Company Law Tribunal

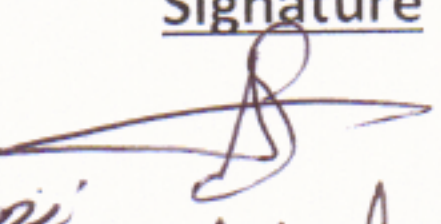
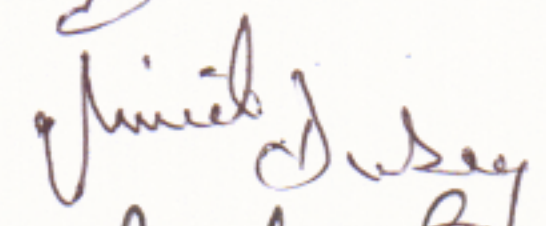
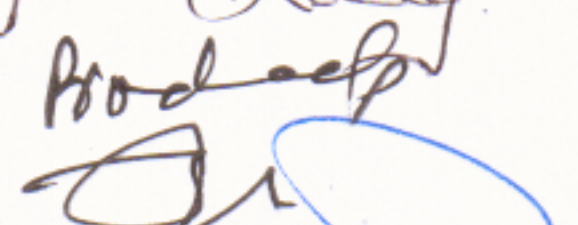

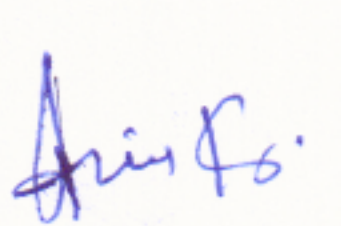

Allahabad Bench

CP NO. 11/ALD/2017

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 11.10.2017

NAME OF THE COMPANY: Swagat Kshree Producer Co. Ltd

SECTION OF THE COMPANIES ACT: 241/244 of the companies act of 2013

Sl. NO.	Name	Designation	Representation	Signature
1.	<u>Saurabh Adhikary</u>	ADV	RESPONDENT	
2.	<u>Vineet Dubey</u>	ADV.	ON THE BEHALF	
3	<u>Pradeep Singh Sisodia</u>	CHC	OF DDO RO/ Central govt	
4.	<u>S.K. Gupta</u>	PCS	Respondent 1, 2 & 11	
5.	<u>Anil Kumar</u>	PCS	"	
6.	<u>Ankit Kumar Singh</u>	PCS	"	

CP No.11/ALD/2017

Sh. Saurabh Adhikary alongwith Vineet Dubey Advocate for the petitioner.

Sh. S.K. Gupta, Sh. Anil Kumar, Sh. Ankit Kumar Singh, learned PCS for the respondent company and other respondents. Sh. Pradeep Singh Sisodia learned CGSC represent the office of the Registrar of the Company as well as the Central Govt. he submits a report on behalf of the ROC, Kanpur, which is taken on record. A copy of such report be provided to the petitioner counsel as well as to the PCS of other respondents. Further, the attention of the learned CGSC was invited to this Courts observation dated 19.07.2017, to assists the Court for coming to a conclusion as to whether, the nature of grievance complained of, based on the

Allegation made in the present company petition or arbitrable in nature or otherwise and can be referred to an arbitrator appointed under the provision of Arbitration and Conciliation Act, 1996 for the purpose adjudication. Further,

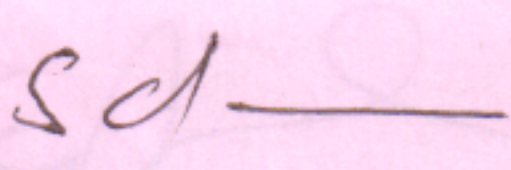
whether the allegation in nature of oppression attracting penal provision/criminal liability can be adjudicated in such arbitration proceedings. If not, then what would be appropriate forum to redress such grievances complained of. As the report of the ROC, does not ^{by necessarily} be an authorised stands taken ^{by} or view of the Administrative Ministry of the Central Govt. ^{the} on companies Act e.g. the MCA. Hence, the CGSC is expected to seek appropriate instruction of M/o Corporate Affair Central Govt. on the subject and issue involved in the present petition and to appraise of its stand/view of the Central Govt. to this Court so that this Court may proceed further to rule on such issue.

At this stage the PCS representing the respondent company points that the matter is getting delayed unnecessarily for final hearing and disposal.

However, it is matter of record that such preliminary objection on maintainability of the present petition were raised by none other than the respondents. Hence, they are still at liberty to file a formal reply to the main company petition and all the issues involved the present case including maintainability can be decided together in the main course of hearing.

The matter be listed on 7th November 2017.

Dated:11.10.2017


H.P. Chaturvedi, Member (Judicial)

Typed by:
Md. Zaid