

National Company Law Tribunal
Allahabad Bench
Allahabad

C.P. No. 65(ND)/2014

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF
ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL
ON 10.11.2016.**

**NAME OF THE COMPANY: M/s Kumud Bhargava vs . M/s Associated
chemicals Ind.(Kanpur) Pvt. Ltd.**

**SECTION OF THE COMPANIES ACT: u/s 397,398 of the Companies Act,
1956**

| Sl. No. | Name | Designation | Representation | Signature |
|---------|------|-------------|----------------|-----------|
|---------|------|-------------|----------------|-----------|

1.

2.

Order dated 10.11.2016

**CP No.65(ND)/2014 M/s Kumud Bhargava vs . M/s Associated chemicals
Ind.(Kanpur) Pvt. Ltd.**

The case is taken up today for hearing. None is present for both the parties. The Registry of this Tribunal has placed the record of the case by amending the cause list appropriately by listing present case for order in CA 85 of 2016 instead as mentioned earlier for final hearing. Thus the Registry of this bench has complied with the direction issued on 19.10.2016 by this bench which is noted. Although none is present for the parties. Yet, the petitioner Shri Kumud Bhargava has sent a communication dated 03.11.2016 to the bench officer, expressing that she would not be available for the hearing of the case on 10.11.2016 but her written argument already submitted in support of CA 85 of 2016 to be considered by this Tribunal before passing an appropriate order.

The written submission of the petitioner in the CA is already placed on record. We perused the record of the case, in order to examine the CA No.85/2016. A perusal of case proceedings and record shows that after filing of CA 85/2016 the respondent M/S Associated Chemicals Ind. Pvt. Ltd though its counsel filed a caveat petition on 08.06.2016. such caveat petition is filed under Section 148- A of the Code of the Civil Procedure and made that the caveat application to be registered. Further no ex-parte interim relief or otherwise to be granted in favour of prospective applicant (herein Kumud Bhargava) without prior notice issued to the caveators.

A perusal of the court proceedings shows that the caveator No.1 i.e. Associated Chemicals Inds.(Kanpur) Pvt. Ltd. is already represented by its counsel Mr. Naresh Kumar. As the vakalatnama paper on behalf of the respondent company is signed by

its one of director Mr. Sudhir Bhargava as well as the Company Secretary. However, no specific power of Attorney / or vakalakat is found to be signed and filed on behalf of caveator No.2. Mr. Sashi Bhargava. Moreover the present caveat application is not found to be signed by Sashi Bhargava as the same is signed by and filed through the Advocate Mr. Naresh Kumar.

It is a matter of also record when the case was fixed for on 06.10.2016 this Bench heard argument of the petitioner counsel in respect of CA No. 85/2016, the 4th respondent Shri Anurag Bhargava was present in person representing the caveator or company as being its director. Further he is also son of Respondent No.2. We are of the view the grievance if any of respondent company (caveator No.1) has been adequately redressed , as the Anuraag Bargava on behalf of the respondent company has put forth his submission which were heard. Thus, the caveat application has now become infructuous and is accordingly disposed of. The order in CA 85/2016 is reserved.

The matter is now relisted for orders in CA 85 of 2016 on 17.11.2016.



V.S.R. AVADHANI, MEMBER-JUDICIAL



H.P. CHATURVEDI, MEMBER-JUDICIAL

Dated 10.11.2016