

National Company Law Tribunal

Allahabad Bench

CP NO. 5/ND/2016, CA No. 2/2017

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 15.11.2017

NAME OF THE COMPANY: Deena Nath Pandey vs Sakeet Surgical India Private

SECTION OF THE COMPANIES ACT/I & B CODE: 397/398 of the Companies Act of 1956

Sl. NO.	Name	Designation	Representation	Signature
1.	VINEET DUBEY	LAWYER	PETITIONER, (ON THE BEHALF OF UDAI CHANDANI)	Vineet Dubey
2.				

CP NO.5/ND/2016, CA NO.02/2017

Sh. Vineet Dubey, Advocate on behalf of Sh. Udai Chandani, the petitioner counsel.

The case is fixed today for pronouncement of order in respect of CA No.2/2017 as filed by the applicant (respondent no.11 & 12). The order in detail is recorded separately. The company application is partly and conditionally allowed with respect to its prayer clause A for setting aside the exparte order with a condition that the applicant (respondent no.11 & 12) shall pay a cost of Rs.10,000/- each (Rupees Ten Thousand) to the petitioner and is allowed to file a formal counter affidavit/reply to the main CP No.5 within four weeks from the date of receipt of a copy of this order. On furnishing proof of payment of cost, the counter affidavit/reply filed by them would be taken on record, so far as other relief in the present CA No.2 of 2017 is concern. The same are not found tenable at this stage as the appropriate order on maintainability of the present petition and locus standi of respondent no.2 to represent the respondent company can be decided after perusing the formal reply

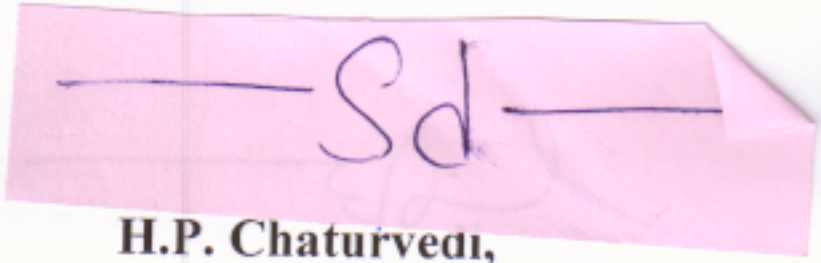
of respondent no.11 & 12 to the main company petition. Further, such being a question of disputed fact. Hence, such relief cannot be granted at this stage. Hence, prayer sought for in clause B & C are hereby rejected with a liberty to the applicant (respondent no.11 & 12) to agitate the same in their formal pleading and will be considered at appropriate stage.

With the aforesaid observation, the CA No.2 stands disposed of. The registry is further directed to communicate a copy of this order to present applicant/respondent no.11 & 12 through their counsel.

The matter be listed on 20th December, 2017.

Dated:15.11.2017

Typed by:
Kavya Prakash Srivastava
(Stenographer)


H.P. Chaturvedi,
Member (Judicial)