

National Company Law Tribunal

Allahabad Bench

C.P NO. 5/ND/2016, (A No. 02/2017)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 20.12.2017

NAME OF THE COMPANY: Deena Nath Pandey v/s Saket Surgical India Pvt Ltd
SECTION OF THE COMPANIES ACT/I & B CODE: 397/398 of the Companies Act of 1956.

Sl. NO.	Name	Designation	Representation	Signature
1.	NAVANEET K.R. SHUKLA in behalf of NITIN SHARMA	Adv.	R.No. 1 & 2	
2.	CS Amit Gupta	PCS	Respondent Company R-11, 12 & 13	

C.P No.5 /ND/2016, C.A No.02/2017

Shri Navneet Kumar Shukla representing for the Nitin Sharma, Respondent No. 1 and 2. None for the petitioner.

Shri Amit Gupta, PCS for the Respondent Nos.11 & 12. He is pressing hard for disposal of C.A. No. 1/2017. However, no compliance has so far been made pursuant to the order of this court passed in C.A. No. 2/2017, whereby ex-parte order against the Respondent Nos. 11 & 12 was set aside by granting liberty to file formal counter affidavit/pleadings through reply to the main Company Petition incorporating issue/objection as to being agitated in the C.A No. 01/2017.

However, our such observation/direction dated 15.11.2017 passed in C.A. No. 2/2017, which goes in favour of the Respondent Nos. 11 & 12 has not been complied with as Respondent Nos. 11 & 12 did not file their formal reply/counter affidavit to the Main Company Petition, instead thereof. They preferred a written submission annexed with the copy of some judicial precedents. Such stand of the Respondent Nos. 11 & 12 in the Main Company Petition is self-contradictory to their plea as taken by them in para 13 of the C.A. No.1 of 2017, contending that such application not to be treated as formal reply to the captioned Main Company Petition and thus they sought liberty to plead additional facts with the permission of the court. Hence, prima facie, it can be inferred that Respondent Nos. 11 & 12 ^{are} now not willing to say specifically through a formal pleading in the Main Company Petition and merely

want to rely on their written submission. Therefore, their defence in the present petition is liable to be struck off and further opportunity for filing counter affidavit/written statement to be closed.

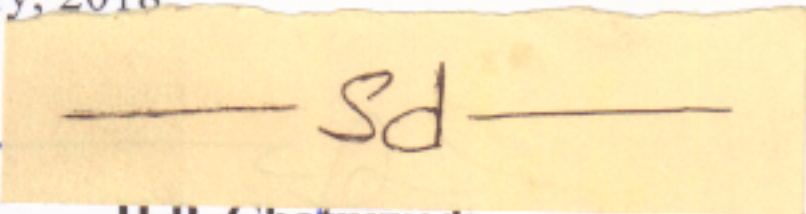
However, at this juncture, Shri Amit Gupta, PCS seeks for withdrawal of the written submission with a final opportunity to complete pleadings on behalf of Respondent Nos. 11 & 12 by filing formal counter affidavit/ written statement to the Main Company Petition by incorporating all objections including the issue of maintainability of the present Company Petition.

Considering such circumstances, a further opportunity is granted to the Respondent Nos. 11 & 12 for filing the same with cost of Rs. 10,000/- (Ten Thousand) payable to the petitioner, which is to be filed within three weeks and to serve advance copy thereof to the petitioner who is at liberty to file rejoinder, if any.

The matter be listed on 25th January, 2018.

Date: 20/12/2017

Typed by
Jyoti
(Stenographer)



H.P. Chaturvedi,
Member(Judicial)