

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 22.12.2017

NAME OF THE COMPANY: Swayam Ksheer Producers Co. Ltd

SECTION OF THE COMPANIES ACT/I & B CODE: 241/242 of the Companies Act of 2013

Sl. NO.	Name	Designation	Representation	Signature
1.	<u>Sh. Anil Kumar</u>	<u>FCS</u>	<u>Respondent</u>	<u>[Signature]</u>
2.	<u>Saurabh Adhikari</u>	<u>CP No. 11/ALD/2017</u>	<u>PETITIONER</u>	<u>[Signature]</u> <u>22/12/17</u>

Sh. Saurabh Adhikari for the petitioner. Sh. Shashi Kant Gupta, PCS alongwith Anil Kumar and Ankit Singh for the respondent. Sh. Krishna Dev Vyas, proxy for CGSC for the Pradeep Singh Sisodia.

In this matter, this court vide its order dated 11/10/2017 has observed ~~as~~ such that report of ROC does not necessarily ^{to} be treated as an authorised stand/view of the Administrative Ministry of the Companies Act, which is ^{the} Ministry of Corporate Affairs, Central Govt. ~~and~~ therefore the learned CGSC was advised to seek appropriate instruction from the Ministry of Corporate Affairs ^{expressing its view} on the reference issue which is the subject matter of the present petition and ^{view} to apprise of this Tribunal ^{about it}.

However, such response from the Ministry of Corporate Affairs as being Administrative Ministry is still awaited except to the report as submitted by the ROC, Kanpur.

Keeping in view of the circumstances, we feel proper to forward a copy of this order to the Ministry of Corporate Affairs, through the office the Secretary MCA as well as to the Regional Director (NR) and with instruction to offer its comments/view on the maintainability of the present petition under Section 241 & 242 of the Companies Act against the Respondent Company being a Producer Company, ^{and as to whether the dispute involved there in is} is an arbitrable dispute and can be adjudicated upon by an Arbitrator under the Provision of Arbitration and Conciliation Act 1996.

A copy of this order also be communicated to the office of the learned A.S.G. High Court of Allahabad for information and to assist the Court on such legal aspect involved in the present petition.

The matter be listed on 30th January, 2018.

Dated:22.12.2017

Typed by:
Jyoti
(Stenographer)

[Signature]
H.P. Chaturvedi,
Member (Judicial)