

National Company Law Tribunal




Allahabad Bench

C P NO. 18/ND/2010

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 23.11.2017

NAME OF THE COMPANY: MACI Organics Ltd.

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

Sl. NO.	Name	Designation	Representation	Signature
1.	Zaim Abbas	Adv	Pet	
2.	Saurabh Srivastava	Adv	Rel.	
3.	Sh. Shyam Kumar Rastogi	Adv	Resp.	

Advocate Sh. Saurabh Srivastava alongwith Sh. Zaim Abbas for company petitioner. Sh. Shyam Kumar Rastogi alongwith Sh. Kumar Dhananjay, Advocates for respondents.

The argument of learned counsel from both side in respect of CA No.209/2017 are heard.

The respondent by this application No.209/2017 has sought for withdrawal of written submission submitted by them, which, prima-facie is found to be inconformity with the existing practice and procedure of this Court. Because the respondents in form of written submission annexed further some additional documents and also incorporated some prayer clause, which is legally not permissible. Hence, the respondent now seeks withdrawal of the same with permission to file afresh, in their larger interest and as per the existing practise.

The petitioner counsel however strongly objected such withdrawal application contending that the respondents are abusing the process of filing documents with intent to drag on the proceedings hence such should not be allowed and such written submission/documents is to be ignored and be excluded from hearing and be simply filed in the case record and no further opportunity for filing fresh written submission to be given. The petitioner should be compensated by imposing some cost on Respondent for causing delay and dragging on the proceedings.

Having heard the submission of learned counsel for the parties, on the present application and in order to provide substantial justice to the party concern we feel that such application to be considered sympathetically and positively.

Hence, the CA No.209/2017 is allowed for permitting withdrawal of written submission, however, with such condition that the respondent shall make payment of cost of Rs.5,000/- to the petitioner. On furnishing proof of payment, the fresh written submission filed, if any, would be taken on record. A copy of such written submission be further provided to the petitioner counsel. Accordingly, the CA is allowed and stands disposed of.

Now the petitioner counsel also files another application seeking for a direction from this Court to be issued to the respondent for making release of the payment of dues of Rs.1,91,000/- + Rs.1,10,000/- + Rs.8,00,000/- in favour of Sh. Prabhat Kumar, Smt. Chitra Devi and Shivam respectively. A copy of this application be furnished to the respondent counsel for filing reply. The case is fixed for reply and hearing.

The matter be listed on 21st December, 2017.

Dated:23.11.2017

Typed by:
MD. Zaid
(Stenographer)

H.P. Chaturvedi, Member (Judicial)