

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

CORAM: Present: TCP. No. 48/(MAH)/2011
CA. No.
SHRI. B. S. V. PRAKASH KUMAR
MEMBER (J)
SHRI. V. NALLASENAPATHY
MEMBER (J)

ATTENDANCE - CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 22.12.2016

NAME OF THE PARTIES: Mr. Rachit Suresh Gangar & Anr.
V/s.
M/s. Triveni Bialelli Industries Pvt. Ltd.

Section of the Companies Act: 397-398 of the Companies Act, 1956 and
241-242 of the Companies Act, 2013

<u>Sr. No.</u>	<u>Name</u>	<u>Designation</u>	<u>Signature</u>
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Mentioned not on Board

IA No.18/2016 in CP No.48/397-398/CLB/MB/MAH/2011

On the Application moved by the Petitioner stating that since the stay granted by the Hon'ble Supreme Court is expired on 21.12.2016 he has sought further stay over transfer of assets and business of R1 company until orders are pronounced in this Company Petition.

The Respondent Company has submitted that this Petitioner already sought the same relief before the Hon'ble High Court of Bombay on 21.12.2016 in the merger proceedings pending before the Hon'ble High Court of Bombay wherein no order is passed by the Hon'ble High Court giving any further extension to the Petitioner over the assets of the company, hence this Bench cannot pass any further orders as sought by the Petitioner.

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On hearing the submissions of either side, it is true that the Hon'ble High Court has given a direction to this Bench to pass final order on or before 21.12.2016, but this Bench could not pass the order on or before 21.12.2016 for the Parties filed their written submissions only on 19.12.2016, since NCLT is on vacation from 26th December to 30th December 2016, it cannot pass order before 2.1.2017. In view of the same, this Bench already sent a letter to the Hon'ble Supreme Court for extension of time for passing the order in this case. On hearing the submissions of the Petitioner this Bench cannot pass any stay in respect to the proceedings pending before the Hon'ble High Court of Bombay because this Bench has no jurisdiction to get into the matter that is pending before the Hon'ble High Court of Bombay. Moreover, the Hon'ble High Court is superior in the judicial hierarchy to the NCLT therefore, it can neither extend nor vacate the order passed by the Appellate Court or Constitutional Court.

In view of the same, this Bench disposed of IA No.18/2016 in CP No.48 of 2011 holding that any transaction that has been taken place in this Company Petition falls within the ambit of this case, such transaction will be subject to the outcome of the order to be passed in this Company Petition.

sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

sd/-

V. NALLASENAPATHY
Member (Technical)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

CORAM:

Present:

TCP. No. 48/(MAH)/2011

CA. No.

SHRI. B. S. V. PRAKASH KUMAR
MEMBER (J)

SHRI. V. NALLASENAPATHY
MEMBER (J)

ATTENDANCE - CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 15.12.2016

NAME OF THE PARTIES:

Mr. Rachit Suresh Gangar & Anr.

V/s.

M/s. Triveni Bialelli Industries Pvt. Ltd.

Section of the Companies Act: 397-398 of the Companies Act, 1956 and
241-242 of the Companies Act, 2013

Sr. No.	Name	Designation	Signature
1.	Abhishek Khate	Counsel for Pets.	<u>AKS</u>
2.	Amin Kherada	Adv. for Pets.	<u>AK</u>
3.	Mr. Prateek Sekharia	Adv.	<u>Van</u>
4.	Mr. Ankit Lohia	Counsel	
5.	Mr. Chakrapani Misra,		
6.	Mr. Vaisakh Shaji,		
7.	Ms. Manasi Gandhi		
	i/d Khaitan & Co		
	Adv for Reps 1 & 5		

Order

CP No.48 /397-398/CLB/MB/MAH/2011

Reserved for Orders.

sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

sd/-

V. NALLASENAPATHY
Member (Technical)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P No. 48/(MAH)/2011
CA No.

CORAM:

Present:


SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 14.12.2016

NAME OF THE PARTIES: Mr. Rachit Suresh Gangar & Anr.
V/s.
M/s. Trivedi Bialelli Industries Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398 of the Companies Act 1956
and 241/242 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
1.	Abhishek Khare	Counsel for Pets	
2.	Amin Kharada	Adv. for Pets.	
3.	Prateek Seksaria also. Ankit Lohia - Counsel also Chakrapani Mishra Vaisakh Shaji Juhi Bhut i/b Khairat & Co Adv for Resp No 1 to 5.		

Order

CP No.48/397-398/CLB/MB/MAH/2011

Arguments of both sides, part-heard.

List this matter for further hearing on 15.12.2016.

sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

, sd/-

V. NALLASENAPATHY
Member (Technical)