

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P No. 64/(MAH)/2015
CA No.

CORAM:

Present:

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

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 28.10.2016

NAME OF THE PARTIES:

Mr. Fidaali Moiz Mithiborwala & Anr.

V/s.

M/s. Aceros Fortune Industries Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 59, 397/398 of the Companies Act 1956
and 241/242 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
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1.	Harshit Agarwal,	Adv Respondents	Harshit A
2.	Susmit Gupta	Adv PETITIONER	[Signature]

Order

CP No.64 to 68/59, 397-398/CLB/MB/MAH/2015

The Hon'ble Appellate Authority set aside the order passed by this Bench on 23.8.2016 directing this Bench to dispose of these CPs within three months from the date of presentation of Appellate Tribunal Order before this Bench.

Whereas today the Petitioner has again filed another CA 122/2016 for direction against the Respondents to provide inspection of complete records and authenticated copies of all the documents mentioned in para 4 and for calling the records from Registrar of Companies containing the original letters of resignation of the Petitioner along with report showing the IP address of the Computer from which digital signature of the Petitioner was sent. When this Bench has gone through para 4 of the above application, this Bench has noticed that this Petitioner has asked copies of documents reflected as A to Q items on various issues for second round of exercise of inspection and supply of copies.

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This very Petitioner earlier filed CA12/2016 seeking inspection and supply of copies of various documents listed in the letter sent by him, whereupon this Bench passed two orders dated 23.8.2016 and dated 9.4.2016 directing the Respondents to provide inspection of documents and supply of copies of such documents. Soon thereafter, when this Petitioner said that the Respondents did not provide all the copies of the documents in compliance of the orders of this Bench, this Bench in the open court verified as to supply of the copies of documents by tallying the same with the details of the copies asked to be supplied.

Despite supply of all, this Petitioner has again come up with CA122/2016 asking inspection of some more documents, in addition to it, the petitioner Counsel is stating now that he would file Amendment Applications in all the Company Petitions during the course of day to bring some more facts which are allegedly missing in the Company Petitions already filed. For completion of hearing in these applications alone, it will take time, for completion of pleadings, then for hearing and for passing orders, the time given for disposal of main petitions will go into deciding these applications. This petitioner filed these company petitions in the year 2015, one exercise of taking inspection and supply of copies is already over, now readying for second round.

If this is the attitude of the Petitioner, it would be highly difficult for this Bench to dispose of these five CPs in the time frame given by the Hon'ble Appellate Tribunal.

We honestly believe it is not possible to consider and decide this second application for inspection and Amendment Applications in all these five CPs in the time frame given for disposal of these cases.

If this petitioner interest is for expeditious disposal of these cases as directed by the Hon'ble Appellate Tribunal, he should argue the main cases as directed by the Hon'ble Appellate Tribunal.

However, this Bench being bound by the orders of the Appellate Tribunal, since the pleadings in main CPs have not been completed, the Respondents are directed to file reply to these Company Petitions within 15 days hereof, rejoinder if any, within one week thereafter.

List these Company Petitions for hearing on 29.11.2016.

sd/-

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

sd/-

V. NALLASENAPATHY
Member (Technical)