

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P No.72/(MAH)/2010
CA No.

CORAM:

Present: SHRI M. K. SHRAWAT
MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 24.10.2016

NAME OF THE PARTIES: Mr. Rajesh Daga

V/s.
M/s. Comproind 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
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ORDER

C.P. No. 72/397-398/CLB/MB/2010

1. A mention has been made on behalf of the Petitioner namely Mr. Rajesh Daga & Ors and a praecipe is filed. Ld. Advocate has pleaded that modification is required in paragraph (3) of the order dated 28/9/2016 to the extent that the name of the Valuer had not been finalised after the mutual consent; rather the Petitioner and the Respondent could not arrive at mutual consensus to name any one valuer.
2. From the other side Ld. Advocate had objected for any such modification primarily on the ground that the praecipe do not contain the correct facts as happened in the court.
3. Ld. Counsel for both the sides are heard. *me*

4. At the outset, it is worth to mention that there is no force in this prayer of modification. In one of the observations of the order (interim) dated 28/9/16, the word used is "mutual consultation" and not the word "mutual consent". It appears that it is wrongly interpreted by the applicant. The name selected of the professional for the purpose of valuation is by the Bench. The directions were given accordingly. The suggestion made in the praecipe is meaningless having no judicial effect on the said directions. It is better for the judicial system if such type of praecipe can be avoided because it is in the common knowledge and often quoted that the corridors of the Courts are flooded with the litigation. However, it depends from case to case.
5. The modification as suggested in the praecipe is hereby not allowed hence dismissed. The order (supra) stands as it was without any change. No order as to cost.

Dated: 24.10.2016

sd/-
Shri M.K. Shrawat
Member (Judicial)