

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI
6th Floor, Fountain Telecom Bldg. No.1, Next to Central Telegraph
Office,
M.G. Road, Fort, Mumbai 400 001.

**Ad-interim observation to be communicated to all the
concerned parties.**

1. That the Company Appeal No. 13/58 (4) & 59/CLB/MB/MAH/ 2015 was heard on 17th October, 2016. The Representatives of the parties present were (1) Mr. M.S. Bhardwaj, Advocate and (2) Mr. V.P. Verma, Advocate, for the Petitioner and Ms. Poonam, Senior Manager (Legal), Datamatics Financial Services Ltd. for the Respondent.
2. After the conclusion of the hearing on 17th October, 2010, Order was reserved for pronouncement. The Order could not be pronounced because of following reasons:-
 - (i) Shortage / non- availability of secretarial staff.
 - (ii) On perusal of the Petition in question, it is noticed that the issue of transfer of 200 shares as listed in the impugned Petition to record in the "Register of Members" of respondent No.1, i.e. State Bank of India had arisen in the years 1994 / 1996 /1997. The Petitioner is, therefore, directed to explain the reason of inordinate delay in filing of this Petition.
 - (iii) That the Petition in question is silent about the consideration paid to Respondent No.2 to Respondent No.6 on alleged transfer of shares in favour of the Petitioner. The Petitioner is directed to place on record the evidence of his *bona fide* ownership.
 - (iv) That a letter has been received from Respondent No.5 i.e. Mr. Jolly Champaklal Shah by the registry of NCLT, Mumbai on 16th November, 2016 stating therein to grant an opportunity to represent the case, because in the past there was improper communication of date of hearing.

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- (v) That the registry is hereby directed to issue fresh Notice of Hearing to the parties concerned by annexing this " Ad-interim observation " so that proper compliance can be made on the next date of hearing.
- (vi) The next date of hearing is hereby fixed on **22nd December, 2016**. Communicate this date to the parties concerned.

Dated : 17th November, 2016.

sd/-

M.K. Shrawat
Member (Judicial)