

**NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

**CP NO. 150/ND/2016
RT CP NO. 186/Chd/Hry/2017**

M/s. Buddy Mumbai Duty Free Services Pvt. Ltd. ...Petitioner

Vs.

M/s. Authentic Restaurants Pvt. Ltd. & Ors. .Respondents

Present: Mr. Pradeep Nauharia, Mr. Sandeep Bajaj & Mrs. Soayib Quereshi, Advocates for petitioner.
Mr. Anand Chhibbar, Sr. Advocate with Mr. Manish Dembla and Mr. Vaibhav Sahni, Advocates for respondent Nos. 1 to 4.

Counsel for respondents also filed Power of Attorney for Respondent No. 3. Learned counsel for the petitioner submits that Respondent No. 5 is a proforma respondent in this petition. Reply has been filed by the respondents and copy thereof already supplied to the counsel for the petitioner. Learned Senior Counsel for respondents submits that reply filed on behalf of respondent Nos. 1 and 2 is also adopted for respondent Nos 3 and 4.

Learned counsel for the petitioners submits that in view of new facts, filing of the rejoinder is necessary. Matter be listed on 05.09.2017 and rejoinder, if any, be filed at least three days before the date fixed with copy advance to the counsel opposite.

Learned Senior Counsel for respondents submits that there is already a decree of the Civil Court passed against the petitioner and in favour of respondent No. 2 at Annexure R-1 annexed with the reply. The decree is dated 27.02.2017 and in view of the decree of the Civil Court, the petitioner does not have the locus standi to continue with this petition. The counsel for the petitioner, however, submits that the petitioner will seek appropriate

remedy on having come to know of the ex-parte decision. This question can be determined on merits of the instant petition.

Interim directions to continue.

August 07, 2017
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Sd/-
(Justice R.P.Nagrath)
Member (Judicial)