

CP NO. 80(ND)/2014
RT No.33/2016

M/s Avigo Trustee Co. Pvt. Ltd. & Ors.

...Petitioners

Versus.

M/s BBF Industries Ltd.

...Respondents

Present: Mr. Aditya Tiwari, Advocate for petitioners.
Mr. Nissar Ahmad, Practising Company Secretary
with Sonia Bansal, Company Secretary for
respondents No.1 to 21 and 25.

Learned counsel for respondents seeks time to file counter to the affidavit of the petitioners along with the short affidavit but we are of the view that the counter to the affidavit should be in the form of affidavit. The perusal of the record would show that the additional affidavit of the petitioners dated 12.10.2016 and the affidavit dated 01.11.2016 attached with the counter do not bear proper verification in accordance with the rules and prescribed law. The petitioners also filed on the previous date two more documents i.e. Annexure-A and B and the same annexures have also been marked to other documents attached with the affidavit of the petitioner. Even these annexures i.e. copy of the RBI Foreign Venture Capital Investor etc. are not supported by an affidavit of the petitioners. Learned counsel for the parties are directed to receive back these papers, affidavits, aforesaid annexures and counter to the affidavit from the registry by 07.11.2016 for compliance.

The learned counsel seek time to make necessary compliance by filing fresh affidavits with the documents and fresh counter by way of affidavit along with that. The matter is adjourned to 22.11.2016 and the compliance be

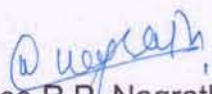
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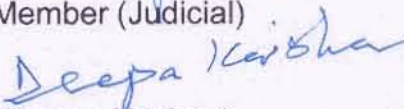
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made at least two days before the date fixed with advance copy to the other side.

This matter was received by transfer from the Company Law Board and was taken up for the first time on 28.07.2016. The service of the parties was completed on 02.09.2016 and on the said date respondents No. 25, 26 & 27 were permitted to be deleted from array of the respondents.. Thereafter, an application was filed under Rule 11 of NCLT Rules, 2016 for substitution of authorised representative of petitioner No. 2. The petitioner then filed an affidavit with the documents and also some more documents for which counter affidavit was to be filed by the respondents.

For the reasons stated above and that on the previous date the matter was adjourned from 14.10.2016 to 04.11.2016, a request be submitted to the Hon'ble President, National Company Law Tribunal, New Delhi for seeking extension of three months more time for disposal of the case.


(Justice R.P. Nagrath)
Member (Judicial)


(Deepa Krishan)
Member(Technical)

November 04, 2016

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