

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

**CP NO. 84(ND)/2013
RT CP No.29/Chd/Pb/2016
along with CA Nos. 44 & 45/2017.**

Arun Kumar Goyal & Ors. ...Petitioners
Versus.
M/s Aar Kay Chemicals Pvt. Ltd. & Ors. ...Respondents

Present: Mr. J.S. Puri, Mr. Sunish Bindlish and Mr. Ashish Bansal,
Advocates for petitioners.
Ms. Tushita Ghosh Advocate with Mr. Aniruddha Choudury,
Advocate and Mr. Gaurav Mehta Practising Company Secretary
for respondents No.1 to 9 and 15 & 16.

The learned counsel for the petitioners at the outset has pressed his prayer made in CA No. 44 of 2017 for inspection of the record in terms of the directions of this Tribunal dated 07.03.2017. Reply to CA No. 44/2017 filed by the respondents is dated 26.04.2017. It is agreed by the learned counsel for the parties that the documents mentioned at Sr. No. (a) and (b) of the reply may be produced in the Registry for inspection by the petitioners. The learned counsel for the petitioners further submits that the original books of accounts at Sr. No. (d) of the reply which is in response to the corresponding paragraph of CA No. 44/2017 have not been produced for inspection. Learned counsel for respondents submits that so far as Auditor's Report and Director's Report are concerned, the same are available on the MCA portal and regarding account books especially for the years 2010-11 and 2011-12 for which learned counsel for the petitioners have now pressed for the inspection of the record, learned counsel for the respondents submits that these are not relevant to be produced for the issues involved nor this record

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was prayed earlier and thus the respondents may not be directed to produce the same. The learned counsel for petitioners submits that if the said record is found relevant ultimately adverse inference may be drawn. For rest of the record asked for in CA No. 44 of 2017, respondents have given the appropriate response and the reasons for not producing the record which can be an issue of arguments on merits. Learned counsel for the respondents further submits that the respondents would produce records at Sr. No. (a) & (b) of the reply for the period 01.01.2010 to 31.03.2015 at 11.00 A.M. in the Registry on 07.07.2017 for inspection and to provide copies of the same in case it is demanded, on payment of expenses to the respondents. It is directed that the aforesaid record be produced in the Registry accordingly on the said date and time.

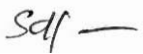
The learned counsel for the respondents has also pressed CA No.255/2015 with a prayer for taking the record of the sur-rejoinder on account of some of the fresh pleas taken in the rejoinder. It is submitted that the said Misc. Application with the sur-rejoinder was filed in the Company Law Board in the year 2015. The prayer for taking on record the sur-rejoinder is not opposed subject to the right of the petitioner to file a counter affidavit to it. The learned counsel for the respondents submits that a similar procedure was also adopted in the connected CP No.146/(ND)/2012 / RT CP No.27/Chd/Pb/2016. In view of the above, the prayer is allowed. Sur-rejoinder be taken on record.

CA No. 255/2015 thus stands disposed of. The learned counsel for the

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petitioner seeks sufficient time that may be granted for filing counter to the sur-rejoinder as the same is a voluminous record. The matter be listed for arguments on 18.07.2017 and counter to the sur-rejoinder be filed at least two days before the date fixed with copy advance to the counsel opposite. No request for further adjournment shall be entertained. Thereafter, the case shall be taken on day to day basis.



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

June 29, 2017
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