

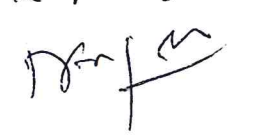
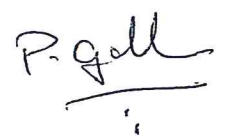
NATIONAL COMPANY LAW TRIBUNAL
SINGLE BENCH
CHENNAI

(1)

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 11/12/2017 AT 10.30 AM

PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER : CA/227/2017
IN
PETITION NUMBER : CP/55/2017
NAME OF THE PETITIONER(S) : STAND21 FRANCE
NAME OF THE RESPONDENT(S) : STAND21 EXPORTS (I) PVT LTD & 4 ORS
UNDER SECTION : 241/242

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
		REPRESENTATION BY WHOM	
1.	C.N. Niranjan K.P. Indira	Counsel for Applicants/ 2 nd & 3 rd Respondents	K.P. Indira 
2.	R. Gurusankaran S. Murugan	Counsel for respondent/ Petitioner u CP	R. Gurusankaran 

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ORDER

Counsels for both the parties are present. Counsel for the Respondent Nos.2 and 3 has filed CA/227/2017 in CP/55/2017 for vacating/recalling the interim orders dated 14.11.2017 and 20.11.2017; the copies of which are placed at page Nos.45 and 47 of the Type Set filed with the C.A. The grounds for recalling the orders are that the orders have been obtained by misrepresenting the factual details, which amounts to fraud. However, it is on record that at the time of passing the order, the Counsel for Respondents was present and even agreed to provide the name of an Independent Observer for the proposed EOGM to be held on 30.11.2017 and the notice of EOGM was also accepted by the Counsel for the Respondent on behalf of R2 and R3, who are Applicants in the C.A. But the Counsel for the Respondents did not provide the name of Independent Observer within the stipulated time, due to which the order dated 20.11.2017 was passed for appointing Independent Observer.

The event of EOGM has already taken place. Therefore, there is no point in recalling the orders dated 14.11.2017 and 20.11.2017. Even, if it is assumed that the interim orders have been obtained by misrepresenting the facts, the same is a matter of enquiry, which the Applicants/Respondents can plead in their counter - that the Petitioner is guilty of suppression of material facts and has not come before the Tribunal with clean hands, etc. But the Applicants/Respondents did not file the counter. Thus, considering the same and objections raised by the Counsel for the Respondents/Petitioners, the CA/227/2017 stands rejected and the Applicants/Respondents are directed to file counter to the main C.P. as the next date of hearing is fixed on **18.12.2017 at 10.30 A.M.**

~ sgl ~
MEMBER (JUDICIAL)

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