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Court-I

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

8. (4)
C.P. No. 115/2011

Present: Ms. Manorama Kumari
Hon'ble Member (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 30th August, 2016, 10.30
A.M

Name of the Company	William Askew Somerville & Ors. -Versus- Bell Punch (India) Pvt. Ltd. & Ors.		
Under Section	397/398		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. Sanjay Ginodia
2. Manoj Kumar Tiwari
3. Indraman Bhattacharyya

Petitioners

30/8/16

ORDER

The Ld. Lawyer on behalf of the petitioners, namely, Mr. Sanjay Ginodia and others are present.

The respondents are found absent today also.

The Ld. Lawyer on behalf of the petitioners prayed for further time to get instructions from the petitioner so as to proceed with the case or not as petitioners are residing abroad.

Perused the record. It is found that the matter is pending from 2011 and on each and every date either on this pretext or the other, the matter is adjourned either at the behest of the petitioners or at the behest of the respondents; viz..

On 6-3-2013, the petitioner mentioned the matter and sought for change of the date of hearing.

Again, on 27-06-2013, the respondent sought extension of time for filing reply.

On 28-12-2013, the extension of time has again been granted to the respondent in spite of the interim direction given on 27-06-2013 when the then Bench expressed its displeasure over such non-compliance of the interim direction given earlier as also for non-commencement of the argument by other side.

On 18-12-2014, the Ld. Lawyer of the petitioner sought for adjournment of hearing. No one appeared from the respondent's side.

On 24-3-2014, adjournment was granted to the petitioner on the ground that they are negotiating for the settlement.

On 10-02-2014 the petitioner prayed for time as he has no communication with his client.

On 24-02-2015, adjournment was granted on the ground that the respondent has changed their Advocate.

On 24-03-2015, none of the parties appeared to take steps in the case.

On 09-06-2015, on the request of the petitioners' Advocate, two weeks' time is allowed to file the rejoinder.

Again, on 2-07-2015, the petitioner's Advocate has failed to comply with the direction given vide Order dated 9-06-2015.

On 30-07-2015, again the petitioners' Advocate has failed to comply with the direction given vide order dated 9-06-2015 and on 2-07-2015, to serve a copy of the order on all the respondents and to file a proof of service to this Bench.

On 5-10-2015, the Ld. Lawyer appearing on behalf of the petitioner submitted that his Clients are not interested to continue with the litigation. However, they need some time to obtain some necessary communication from the petitioner.

On 3-12-2015, the Ld. Lawyer of the petitioners again submitted that his clients are not interested to continue with the litigation and they prayed some time to get necessary instructions from their client.

On 8-04-2016, on the request of the petitioners' Advocate, hearing of the matter is adjourned.

On 21-07-2016, both the parties were found absent without any steps and they have been given the last chance to appear in the case.

On 10-08-2016, the petitioners' Advocate appeared and prayed for some time to get written instructions from the clients with regard to further proceeding in the case. His prayer was allowed as a last chance and the matter proceeded ex parte against the respondents.

On 29-08-2016, the Ld. Lawyer appearing on behalf of the petitioners, namely, Mr. Manoj Kumar Tewari again prayed for time and on his insistence, last chance has been allowed and he has been directed to get the instructions from the party positively, if any, by 30-08-2016.

But today also, the Ld. Lawyer appearing on behalf of the petitioners has failed to produce any instructions obtained from the petitioners so as to proceed with the case or not.

As reflected from the proceedings of various dates, it appears that the parties are not inclined to proceed with the case and they are just wasting the valuable time of the Court.

In view of the above situation and also in view of the conduct of the parties in the case all along, the prayer of the Ld. Lawyer on behalf of the petitioner seeking further adjournment is rejected and the case is dismissed for non-prosecution from the side of the petitioners.

No order as to the costs.

MANORAMA KUMARI
MEMBER(J)