

Court-I

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P. No. 30/2009

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

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 23rd August, 2016, 10.30
A.M

Name of the Company		Ghanshyam Sarda. -Versus- Loomtex Engineering 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. R.K. Mitra, Adv
2. S. Chaudhury, Adv
3. A. Dey, Adv
4. P. Chowdhury, Adv

Loomtex Engineering Pvt
Ltd. & Ors.
Res-1, 23, 26 & 35.

P. Chowdhury,
Adv
23/8/2016.

Arbuckle Nand Lal Singh } For Respondent
Union.

23/8/16.

1. Mrs. Manju Agarwal, Adv
 2. Mr. Bijrang Mondal, Adv
- } For Baldeo Das Mondal
Respondent No. 4

B. Mondal
23/08/2018

O R D E R

Ld. Lawyer on behalf of respondent Nos. 1,4, 23, 25 and 26 are present. None are appearing from the side of the petitioner.

On perusal of the record it appears that on 14-09-2015, on 23-11-2015 and on 29-03-2016 last opportunity has been granted to the petitioner to file their reply and rejoinder, if any, to C A No. 414/2013, and CA No. 584/2009 and the CA 585/2009. But they have failed to file reply and/or any rejoinder as of today. Even when the matter was taken up today, the petitioner was found absent without any steps nor any of the engaged lawyers are present in the Court to proceed further with the matter.

Heard respondent No. 4 on CA No. 414/2013 at length wherein she made prayer to dismiss the CP No. 30/2009, alternatively, stay all further proceedings of CP No. 30/2009 till disposal of the suits bearing CS No. 268/2009, 263/2009, 308/2009 and 309/2009 which are pending in the High Court at Calcutta.

Also heard the Ld. Lawyer of respondent No. 1 (applicant) on CA No. 585.2009 at length wherein he prayed for dismissal of the Company Petition apart from other prayers as reflected in CA No. 585/2009 at page No. 19.

None present for and on behalf of applicant to press CA No. 584/2009 when the matter is called on. The petition/application is filed by (i) Titagarh Jute Mill Employees' Union, (ii) Jute Textiles Workers' Union and (iii) Titagarh Jute Mill No. 2 Sramik Union, seeking intervention in the instant proceeding along with other incidental prayers. Hence, CA 584/2009 dismissed for non-prosecution.


On perusal of the record, it is found that parties have failed to complete the pleading in CAs. though ample opportunity has been given to them.

I have gone through the record. The matter is pending from 2009 but the petitioner never taken any initiative to expedite and/or to proceed with the hearing of the main Company Petition along with other connected Company applications arising out of the main CP.

The settled principle of law is that when a person seeks equity he must come with clear hand, but in the instant case the conduct of the petitioner shows that he is not interested to proceed with the case and has adopted delay delaying tactics to abuse the process of law.

Hence the CP is dismissed for non prosecution on the part of the petitioner and accordingly all the pending CAs. are disposed off and interim order(s) passed, if any, stand vacated.

No order as to cost.


MANORAMA KUMARI
MEMBER(J)