

NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, MUMBAI

T.C.P No. 64 /(MAH)/2015  
CA No.

CORAM: Present: SHRI B.S.V. PRAKASH KUMAR  
MEMBER (J)

SHRI V. NALLASENAPATHY  
MEMBER (T)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 02.05.2017

NAME OF THE PARTIES: Mr. Fiddali Mithiborwala  
V/s.  
M/s. Aceros Fortune Industries Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 58, 397/398 of the Companies Act 1956  
and 241/242 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
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1)	SULEMAN VIMANWANA	Respondant	
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COMMON ORDER

TCP 64/58,397-398/NCLT/MB/MAH/2015

TCP 65/58,397-398/NCLT/MB/MAH/2015

TCP 66/58,397-398/NCLT/MB/MAH/2015

TCP 67/58,397-398/NCLT/MB/MAH/2015

TCP 68/58,397-398/NCLT/MB/MAH/2015

The Petitioner Counsel is absent. Some Counsel was present on the last date of hearing seeking time on the ground appeal on the Order dated 6.4.2017 passed by the Hon'ble National Company Law Appellate Tribunal has been appealed to Honorable Supreme Court, on that request, this Bench, as there is a direction from Honorable Appellate Tribunal to this Bench to dispose of this Company Petition by 31<sup>st</sup> May, 2017, directed the petitioner side either to file stay order or to argue the case without fail on the next date of hearing i.e., on 3.5.2017. Whereas that Counsel has not appeared today to argue this matter.

Today, a Junior appeared on behalf of the Petitioners repeating that since an appeal has already been filed before the Hon'ble Supreme Court, he has again sought time for making their submissions in this Company Petition.

Though the Junior has stated that an appeal has been filed, but he has not stated that any stay has been granted by Hon'ble Supreme Court, whereby this Bench, following the directions given by the Hon'ble NCLAT, passed over the matter insisting upon that Junior to argue the case after sometime, but by the time the matter is reached, the Junior was not present, henceforth this Bench could not get any occasion for hearing the matter from the Petitioner side, since nobody is present from the petitioner side to argue the matter, recording the absence from the petitioner side, the Company Petitions are dismissed for default.

Since the order has been passed by Hon'ble NCLAT to dispose of this Application within one month hereof i.e. by the end of this month, for there being vacation from 4.5.2017 to 4.6.2017, it has to make clear from our side that this Bench will remain closed for vacation from 4.5.2017 to 4.6.2017.

Sd/-

**V. NALLASENAPATHY**  
Member (Technical)

Sd/-

**B.S.V. PRAKASH KUMAR**  
Member (Judicial)