

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

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C.P No. 82/(MAH)/2016
MA. No. 454/2017

CORAM:

Present:

SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 29.09.2017

NAME OF THE PARTIES: M/s. Cyrus Investments Pvt. Ltd. & Anr.
V/s.
M/s. Tata Sons Pvt. Ltd. & Ors.

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

S. No.	NAME	DESIGNATION	SIGNATURE
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Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Lavi Kadam, Sr. Adv.
Mr. Prateek Sekaria, Adv.
Mr. Nitesh Jain, Adv.

i/b Shardul Amarchand Mangaldas & Co.
Advocates for R1, R2, R3 & R23.

Counsel Mr. Zal Indhyarajna
a/w Adv Mr. Sehansu Mistry &
Ms. Namrata Panch as i/b M/S Mulla
and Mulla & Co. Bunt & Co.
Advocates for R Nos 16, 14, 16 to 22

Ms. A.A. Mujawar i/b Economic News Service
Advocates for Respondent No. 5 & 7

Mr. Soma Sekhar Sundaresan, Adv.

Mr. Apurva Diwari,
Mr. Ruzbel Mistry,
Mr. Arun Sawant,
Mr. Gurjon Shah

i/b.
Desai & Diwari;
for Petitioners
Shah

Contd. -- 29.9.17 PTO

Mr. Ashay Doctor,
of Mr. Subhanshu Gupta

Mr. Tanek Duxkadar, Sr. Counsel

Mr. Sharan Taghiani, Counsel

Ms. Shireen Poekhanawalla

i/b Maneksha & Sethna

Advocates for Respondent II.

} Maneksha & Sethna

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ORDER

MA No.454/2017 in CP No.82/ 241-242,244/NCLT/MB/MAH/2016

Today, on mentioning of MA 454/2017 by the Petitioner for expedite hearing of the CP remitted to this Bench by Honourable National Company Law Appellate Tribunal, this matter has come on board for hearing, when this Application has come for hearing, the Petitioners has filed a Praecipe to place this Application before Honourable President of NCLT, Delhi for hearing on this application, because the orders dated 6.3.2017 and 17.4.2017 passed by this Bench comprising of members, B S V Prakash Kumar and V. Nallasenapathy, has decided main case on merits at preliminary stage itself, which has been reversed by Honourable NCLAT, hence sought for change of Bench.

Before recording the objections placed by the Respondent side, we regret to express our opinion that had it been the mind of the petitioners for transfer from this Bench, they should have placed their submission either before Appellate Tribunal or before Principal Bench of NCLT for such relief, they should not have filed MA454/2017 to expeditiously post this petition for final hearing in accordance with the directions, Honourable NCLAT passed on 21.9.2017.

On this praecipe moved by the Petitioners' side superseding mentioning request in MA454/2017 for posting this matter for final hearing, the Respondent side has raised objections to passing an order basing on this praecipe saying – (1) that this is not the place to make such praecipe before this Bench, (2) that there is no direction from the Hon'ble Appellate Tribunal to post this matter before some other Bench, (3) that this praecipe is in supersession of their own MA454/2017 come for mentioning before this Bench and finally (4) that subsequently taking out a praecipe for placing MA354/2017 before Honourable Principal Bench is without any plausible reason.

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MA No.454/2017 in
CP No.82/ 241-242,244/NCLT/MB/MAH/2016

In view of mentioning of this MA and thereafter praecipe by the petitioners' side and the objections placed before us by the Respondent side, we post this matter to 6.10.2017 to hear on MA454/2017.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

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