

NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P NO. 53(ND)/2016
CA NO.

CORAM:

PRESENT: CHIEF JUSTICE M. M. KUMAR
Hon'ble President

SH. S. K. MOHAPATRA
Hon'ble Member (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF PRINCIPAL BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 26.07.2016

NAME OF THE COMPANY: Dr. Ajit Gupta
V/s.

M/s. Park Wellnes Services 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	REPRESENTATION	SIGNATURE
1	Shikha Tandon	Adv.	for the Petitioner	Shikha
2	Abhishek K. Rao	RAO	for the Respondent	Abhishek Kumar RAO

ORDER

These are two joint applications (CA Nos.39/PB/2016, and 40/PB/2016 in CP No. 53/2016) filed by the petitioner as well as the respondent with the prayer for transfer of the petition to Principal Bench at New Delhi. Further they have asked for disposal of the petition (CA No.39/PB/2016) in terms of cancellation Agreement dated 30th of May 2016 filed before the erstwhile Company Law Board which now stands transferred to NCLT at New Delhi.

It is pertinent to mention that registered office of the respondent company namely M/s Park Wellness Services Private Ltd. is at Parwanoo(HP) which falls within the territorial jurisdiction of Chandigarh bench of National Company Law Tribunal. However the application for disposal of the petition was filed before the Company Law Board New Delhi on 30th May 2016 for disposal of the petition in terms of agreement dated 30th May arrived at between the parties. On that day NCLT was not notified. The agreement has been placed



on record with CA No. 39/PB/16. Keeping in view the aforesaid and particularly the fact that the record of this case(CP-53/PB/2016) has not been transferred to the jurisdictional Bench at Chandigarh, the applications deserve to be allowed.

Accordingly the CP 53/ND/2016 is transferred to Principal Bench at New Delhi. It follows that the CP 53/2016 has to be disposed off in terms of Cancellation Agreement dated 30th May 2016 which has been placed on record with the joint application bearing CA No.39/PB/16.

As a sequel to the above discussion, both the applications are allowed and CP No.53/PB/2016 is disposed off in terms of agreement dated 30th May 2016. This order shall be deemed to be a decree incorporating the terms of settlement dated 30th May 2016 as has been agreed by both the parties.

CA No. 41/PB/2016 in CP No. 53/2016

This is an application (CA No.41/PB/2016) filed u/s340 read with section 195(1)(b)(i) of the Code of Criminal Procedure, 1973 with a prayer that the petitioner may be prosecuted for fabrication and forging of documents. The parties have resolved their dispute and both parties have entered into Cancellation Agreement. Learned Counsel for the applicant-respondent states that this application may also be dismissed as withdrawn. The parties have mutually agreed to withdraw all the applications on the ground that they have entered into Cancellation Agreement dated 30th May 2016.

In view of above, the prayer is accepted and the application No.41/PB/2016 is dismissed as withdrawn.


(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT


(S.K. MOHAPATRA)
MEMBER (T)

Dated: 26/07/2016
(Vidya)