NATIONAL COMPANY LAW TRIBUNAL PRINCIPAL BENCH **NEW DELHI**

C.P NO. 8/111/MB/2013 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 17.09.2016

NAME OF THE COMPANY

Mrs. Amita Buhariwala

Vs.

M/s. N.H.B. Agro Industries Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 111(4)

S.NO. NAME DESIGNATION REPRESENTATION

Vinod whenne

Adv.

Affiliant

Order

This is an application with a prayer for transferring the proceedings pending in CPs 8/111/MB/2013, 9/111/MB/2013 and 10/111/MB/2013. The ground taken for transfer of the proceedings is that the applicant is receiving threats from the respondents and that earlier, Company Law Board was hearing the petition at Delhi.

Having heard the learned counsel, we are of the considered view that earlier 2. these petitions were taken up by the Company Law Board primarily for the reason that there was no Bench of CLB available at Mumbai. The type of threats which are noticed in the complaints dated 1-6-2016 and 17-8-2016, do not constitute sufficient basis for us to conclude that the proceedings need to be transferred to Delhi Bench of the Tribunal. It appears to be a lame excuse. Moreover, it is conceded as a fact that the applicant has filed a Civil Suit at Pune and is prosecuting the same there. The aforesaid area also falls within the territorial jurisdiction of the Mumbai Bench of the Tribunal. There is an apparent contradiction in the stand taken by the applicant.

P.T.O.

- 3. The Mumbai Bench of the Tribunal is now functioning regularly as there are two Judicial Members and one Technical Member. Therefore, we see no reason for transferring the proceedings in the aforesaid group of Company Petitions to Delhi Bench of the Tribunal.
- 4. For the reasons aforementioned, these applications (CA 100/MB/2016, CA 101/MB/2016 and CA 102/MB/2016) fail and the same are dismissed.

(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT

(S.K. MOHAPATRA)

MEMBER (T)

17.9.2016 (P.K. SUD)