

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 119 of 2018**

**IN THE MATTER OF:**

**Mr. Rajendra K. Bhuta**

**...Appellant**

**Vs.**

**Maharashtra Housing and Area  
Development Authority**

**...Respondent**

**Present: For Appellant: - Mr. Ajit Kumar Sinha, Senior Advocate  
with Mr. Ashish Verma, Advocate.**

**O R D E R**

**04.04.2018-** The National Company Law Tribunal Rules, 2016 does not permit filing of a Miscellaneous Application (M.A), though it permits filing of Interlocutory Application(s) (I.A). However, from the impugned order dated 2<sup>nd</sup> April, 2018, we find that the Adjudicating Authority (National Company Law Tribunal) Mumbai Bench has entertained a Miscellaneous Application, without asking the parties to correct it as an Interlocutory Application and dismissed the application by order dated 2<sup>nd</sup> April, 2018. The parties are allowed time to file the impugned order dated 2<sup>nd</sup> April, 2018, in absence of which this appeal cannot be entertained.

The Registry of the National Company Law Tribunal, Mumbai is directed to take into consideration the aforesaid observation to ensure

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that in future no Interlocutory Application is entertained with the caption 'Miscellaneous Application (M.A)' or 'Company Application (C.A)' in future.

Let a copy of this order be forwarded to the Registrar, National Company Law Tribunal, Mumbai Bench and the Registrar, National Company Law Tribunal, Principal Bench, New Delhi for circulation among all the Members of the Tribunal.

Post the matter on 6<sup>th</sup> April, 2018.

The Appellant is allowed to file additional affidavit by tomorrow i.e. 5<sup>th</sup> April, 2018 enclosing the copy of the impugned order dated 2<sup>nd</sup> April, 2018.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

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