

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

NEW DELHI

COMPANY APPEAL(AT) NO.100 OF 2018

IN THE MATTER OF:

M/s Soumitra Banerjee & anr

Appellant

Vs

Asher Ebrahim Melamed & anr

Respondent

Present: For Appellant:- Mr. Arjun Krishnan, Mr. Sumit Srivastava and Mr. Ankur Singh, Advocates.

For Respondents: - None

O R D E R

09.04.2018 - The question arises for consideration in this appeal are:

- i) Whether the Tribunal in an application under Section 241 read with Section 242 of the Companies Act, 2013 (Section 397, 398 and 402 of Companies Act, 1956) has jurisdiction to order for winding up as the provision itself stipulates that the order under Section 242 of the Companies Act, 2013 can be passed where it is desirable to pass order of winding up?
- ii) Whether an application preferred in 2013 in respect of cause of action for the year 2000 to 2008 is fit to be rejected on ground of delay and laches?

Delay of two days in representing the appeal is condoned.

Let notice be issued on respondents by speed post. Requisites alongwith process fee, if not filed be filed by tomorrow, 10.4.2018. If the appellant provides the email address of the respondents, let notice be issued through email.

Post the matter on 25th April, 2018 before this Bench.

In the meantime, the appellant will file the certified copy of the impugned order.

2.

Until further orders the operation of the impugned order passed in Company Petition No.106/397-398/CLB/MB/MAH/2013 dated 9.2.2018 shall remain stayed.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansilal Bhat)
Member (Judicial)

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