

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

**Company Appeal(AT) No. 102 of 2018**

**IN THE MATTER OF:**

**Shirish Deepak Kulkarni**

**...Appellant**

**Vs**

**Union of India & Ors..**

**....Respondents**

**Present:**

**For Appellant:        Mr. Krishnendu Dutta, Ms. Sukriti Jaggi and Ms.  
Prachi Johri, Advocates.**

**ORDER**

**09.04.2018**      According to the learned Counsel for the Appellant, impugned interim order passed in a petition under Section 241 read with Section 242 against the provision of 242(4) of the Companies Act, 2013. The Tribunal has no suo moto jurisdiction to grant leave to the Respondent to enlarge the scope of the relief in absence of a petition for amendment.

Let notices be issued on Respondents by Speed Post. Requisites along with process fee, if not filed, be filed by tomorrow i.e., 10.04.2018. If the Appellant provides the e-mail address of Respondents, let notice be also issued through e-mail.

The Appellant is allowed two weeks' time file certified copy of the Impugned order dated 13.03.2018 passed in C.P. No. 378/241-242/NCLT/MN/MAH/2018 by National Company Law Tribunal, Mumbai.

Post the matter on **11<sup>th</sup> May, 2018** before the larger Bench when the appeal with similar issue in Company Appeal (AT) No. 101 of 2018 is likely to be listed.

Until further orders, the operation of the impugned order dated 13.03.2018 shall remain stayed. The Tribunal will not proceed with the Company petition on the basis of the leave granted to the Respondents.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

*Akc/uk*