

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) No.49 of 2017**

**IN THE MATTER OF:**

**Doloo Tea Co (India) Ltd & Ors.**

**...Appellants**

**Vs**

**Kanubhai C Patel & Ors.**

**...Respondents**

**Present: Mr. Shakya Sen, with Mr. Adil Banerjee, Mr. Rajib Mullick and Mr. Palzer Moktaw, Advocates for the Appellants.**  
**Mr. Surjit Nath Mitra, Sr. Advocate with Mr. Pankaj Bhatia, Mr. Ajay Choudhury, Mr. D.N. Sharma, Mr. Dhruv Surana, Mr. Nipun Goel, Mr. Ashish Choudhury and Ms Debjani Chatterjee, Advocates for the Respondents.**

**ORDER**

06.04.2017- One of the grounds taken by the Learned Counsel for the Appellants is that the legal heirs of Kanubhai C. Patel never applied for substitution and only at the instance of the rest of the petitioners, who are Respondents No.2 to 5, the petition for substitution was allowed.

In this appeal we find that the appellant has not impleaded the legal heirs as party respondents to this appeal. In the circumstances we allow the appellant to implead the legal heirs of Kanubhai C. Patel who have been substituted by impugned order dated 20.1.2017.

One weeks' time is granted to the appellant to file application for impleadment. The appellant may also enclose the copy of the company petition and CA No.369/2011 alongwith the said application. Respondent may also file additional affidavit enclosing the copy of the order by which the CA stated to have been disposed off. Pendency of this appeal will not come in the way of Tribunal to decide the company petition on merits.

The question of transfer of shares or any award, it is also left open for decision by the Tribunal.

Post the matter on 20<sup>th</sup> April, 2017.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Mr. Balvinder Singh)  
Member (Technical)