

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 241 of 2017

IN THE MATTER OF:

Acme Consultants (P) Ltd. & Ors.

...Appellants

Versus

Wondermax Supply Private Limited & Ors.

...Respondents

Present:

**For Appellants : Shri Arvind Kumar and Ms. Henna George,
Advocates**

**For Respondents : Shri Gaurav Kejriwal, Shri Ankit Kohli and Shri
Sujit, Advocates**

ORDER

01.08.2017 Even if it is accepted that the Limitation Act, 1963 is not applicable in a case of alleged oppression and mismanagement and if filed under Sections 397, 398, 402 and 403 of the Companies Act, 1956, i.e. prior to Section 433 of the Companies Act, 2013 has come into force, the appellant is required to explain the delay and laches on their part, and also explain the reason for not filing the petition for about five years for the alleged act of oppressional mismanagement as alleged during the year 2009.

One opportunity is given to the appellant to file an affidavit explaining the delay and laches, which should be based on record.

Shri Gaurav Kejriwal, Advocate already appeared on behalf of the respondents. No notice needs to be issued on them.

Post the matter on 28th August, 2017.

[Justice S.J. Mukhopadhaya]
Chairperson

[Balvinder Singh]
Member (Technical)