

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

**I.A. No. 215 of 2018**

**In**

**Company Appeal (AT) No. 31 of 2018**

**IN THE MATTER OF:**

**Doloo Tea Company (India) Ltd.**

**...Appellant**

**Vs.**

**Gaurangika H. Patel & Ors.**

**...Respondents**

**Present: For Appellant: - Shri Sakya Sen, Shri Arik Banerjee, Shri Rajib Mullick, Shri Indranil Ghosh and Shri Kunal Singh, Advocates.**

**For Respondents:- Shri Pankaj Bhatia and Shri Ashish Chaudhury, Advocates.**

**O R D E R**

**26.02.2018** — Paragraph No.6 of the order dated 2<sup>nd</sup> February, 2018 passed by this Appellate Tribunal is clear, wherein the Appellants/Respondents were given liberty to raise the question of maintainability at the time of hearing of the main Company Petition. The National Company Law Tribunal (hereinafter referred to as "Tribunal") has been asked to consider such issue, if not yet decided, by reasoned order simultaneously, while considering the main Company Petition. That means if the question of maintainability was earlier raised and decided by the Tribunal, it is not required to be decided. On the other hand, if such issue relating to maintainability was not raised, in such a

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case, we had given liberty to the Appellants/Respondents to raise such issue of maintainability and the Tribunal has been asked to decide the case simultaneously along with the merit of the case.

In view of such observations, we allow the Appellants/Respondents to raise such issue by filing an application, if not filed earlier and issue has not been decided by 28<sup>th</sup> February, 2018. It is informed that the case is fixed for hearing tomorrow i.e. 27<sup>th</sup> February, 2018. In such case, the Tribunal will adjourn the matter for a week (after opening of Holi holidays) and may hear the matter.

I.A. No. 215 of 2018 stands disposed of.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

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