

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

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: - Mr. Sakya Sen, Mr. Arik Banerjee, Mr. Rajib, Mr. Indranil Ghose and Mr. Kunal Singh, Advocates.

For Respondents:- Mr. Pankaj Bhatia, Mr. Shwetank Nigam, Mr. Nirmalaya Das Gupta, Mr. Ashish Choudhury, Mr. Ohrun Surana, Mr. Nipul Goel and Mr. Ravi Panwar, Advocates for Respondents 1 to 5.

O R D E R

25.01.2018- The question arises for consideration in this appeal is whether Section 10 of the CPC will be applicable in a petition under Sections 397 & 398 of the Companies Act, 1956 (now Section 241 of the Companies Act, 2013) and such case can await disposal of an execution case, if there is allegation of 'oppression and mismanagement' as was prayed for by the Appellant.

Let notice be issued on Respondents. Mr. N. Das Gupta, Advocate accepts notice on behalf of 1st to 5th Respondents (Petitioners in the Company Petition). Rest being proforma Respondents, no further notice need be issued to him.

Post the matter before the 1st Bench on 2nd February, 2018.

Contd/-.....

In the meantime, the Tribunal will proceed with the Company Petition and parties will not ask for unnecessary adjournments on the ground of pendency of this appeal.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansilal Bhat)
Member(Judicial)

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