

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

**Company Appeal (AT) No. 236 of 2018**

**IN THE MATTER OF:**

**Sri Pravir Kumar Roy**

**...Appellant**

**Versus**

**M/s. Bogidhola Tea & Trading  
Co. Pvt. Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellant :                Ms. Neha Sharma, Advocate**

**O R D E R**

**23.07.2018**        Learned counsel for the appellant submits that petition under Section 397 and 398 of the Companies Act (now Section 241 and 242) was filed before the erstwhile Company Law Board wherein the appellant is the 2<sup>nd</sup> Respondent. The 3<sup>rd</sup> Respondent was the member and former Director, who died during the pendency of the petition. Thereafter, at the instance of the petitioner (respondent herein) 3<sup>rd</sup> Respondent was substituted by his son, who is not a member and no act of ‘oppression and mismanagement’ has been alleged against him. As the Company Law Board passed the order of substitution without hearing the appellant (2<sup>nd</sup> respondent) an Interlocutory Application was filed before the Company Law Board, which remained pending. After transfer of the Company Petition No. 80 of 2010, (now T.P. No. 26/397/398/GB/2016) before the Tribunal the aforesaid fact was brought to the notice of the Tribunal, Guwahati Bench but it has not been properly appreciated and rejected by the impugned order, without hearing the appellant (2<sup>nd</sup> respondent).

Let notice be issued on the respondents. Requisites along with process fee, if not filed, be filed by 25<sup>th</sup> July, 2018. If the appellant provides the *e-mail* address of respondents, let notice be also issued through *e-mail*.

Post the case 'for Admission (After Notice)' on 21<sup>st</sup> August, 2018 before the appropriate Bench.

During the pendency of the appeal if any order is passed or decision is taken by the Tribunal, it shall be subject to the decision of this appeal.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)

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