

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

**Company Appeals (AT) No.47 of 2017**

**IN THE MATTER OF:**

**Mr. P.B. Amolik & Ors**

**...Appellants**

**Vs**

**The Bombay Diocesan Trust Association Pvt Ltd & Ors...Respondents**

**Present: Mr. Karan Adik with Mr. Javaid Muzaffar, Advocates for the Appellants**

**ORDER**

02.03.2017- Learned Counsel for the appellants submits that the appellants alleged oppression and mismanagement as all the 14 members of the Board of Directors were removed without following the procedure. This issue was not the subject matter before the Joint Charity Commissioner. It is also submitted that Tribunal has failed to notice the aforesaid fact and on wrong presumption held that dispute is same and dismissed the petition under Sections 397 and 398 of the Companies Act, 2013 on the ground of "*res-judicata pro-veritate accipitur*".

Let notice be issued on Respondents by speed post. Requisites with process fee, if not filed, be filed by tomorrow. If the appellants provide the email addresses of Respondents then the notice be also issued through email.

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

(Justice S.J. Mukhopadhaya)  
Chairperson

(Mr. Balvinder Singh)  
Member (Technical)