

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 62, 64 to 71 of 2017

Purshottam Vishandas Raheja & Ors.

.... Appellants

Vs.

Courchevel trading Pvt. Ltd.

.... Respondents

Present: **For Appellant: - Mr. Dinesh Agnani, Sr. Advocate with Mr. Jasmeet Singh, Ms. Pooja Kshirsagar, Ms. Eesha Mohapatra, Mr. Arvind Chari, Mr. Nitesh Srivastava, Advocates**

For Respondents: - Mr. Shrivardhan Deshpande with Mr. Samaksh Goyal and Mr. Venkat Poonia, Advocates

21.03.2017- The only question to be determined in this appeal is whether the lengthy amendment petition about any event taken place prior or after the filing of the Company Petition should have been allowed by the Tribunal.

Prima-facie, we are of the view that the appellant/petitioner cannot be allowed to amend the petition with regard to an events as were taken place prior to filing of the Company Petition, except the facts which were not to their knowledge but came to their notice after filing of the Company Petition.

Prima-facie, we are also of the view that subsequent event connected with the subject matter can be brought to the notice of the Tribunal, it constitutes further 'Oppression and Mismanagement' for which even additional affidavit can be filed without asking for necessary amendment of petition under the provisions of the CPC.

For deciding the aforesaid issue as this court will have to notice the relevant facts and prayer, let notice be issued on respondents.

Mr. Shrivardhan Deshpande, Advocate accepts notice on behalf of all the respondents. No further notice need be issued on them. Learned counsel for the appellant will serve a copy each of the paper book on learned counsel for the respondents.

Post the matter on 28th March 2017.

Pendency of the appeal shall not come in the way of Tribunal to dispose of the Company Petition on merit.

We make it clear that this court has not allowed to amendment of the petition except to the extent allowed by the Tribunal.

(Justice S.J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member(Technical)

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