

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 71 of 2018

IN THE MATTER OF:

E. Veda Bagath Singh & Ors.

...Appellants

Vs.

The Madras Race Club & Anr.

...Respondents

Present: For Appellants: - Mr. Amit Chaddha, Senior Advocate assisted by Mr. Mayank Kshirsagar and Mr. Sahil Mongia, Advocates.

For Respondents: - Mr. Mohan Parasaran and Mr. R. Murari, Senior Advocates assisted by Mr. Anil Kaushik, Mr. Alok Kumar and Mr. Abhishek Mishra, Advocates for 1st Respondent.

O R D E R

08.03.2018- Learned Senior Counsel for the Appellants submits that the Appellants who are the members of the Madras Race Club their names stand excluded pursuant to the impugned order dated 13th December, 2017 passed by National Company Law Tribunal (hereinafter referred to as "Tribunal"), Chennai in CP. No. 31/2017, though, they were not parties to the said petition and for the said reason, the certified copy has not been communicated by the Tribunal to any of the Appellants. The Appellants having come to know of the same, immediately took steps to move this appeal and requested to list the appeal out of turn yesterday, pursuant to which this appeal has been listed, therefore, there is no delay in preferring the appeal.

Contd/-.....

Mr. Mohan Parasaran, learned Senior Counsel appears on behalf of the 1st Respondent and accepts that the Appellants were not parties to the Company Petition but he argued the case to suggest that there is no merit in this appeal.

Taking into consideration the facts and circumstances of the case, we are of the view that the appeal is well within the time, as the Appellants have filed the same within forty-five days of their knowledge and the certified copy has not yet been handed over to them by the Tribunal. We allow the Appellants to apply for certified copy of the impugned order dated 13th December, 2017 along with requisite fee, in such case the Tribunal will hand over the same immediately. The Appellants will file the same before the next date.

Mr. Anil Kaushik, Advocate who appears on behalf of the 1st Respondent is allowed 10 days' time to file reply along with vakalatnama. Rejoinder, if any, may be filed by the Appellants within four days thereof.

Let notice be issued on 2nd Respondent by speed post. Requisite along with process fee, if not filed, be filed by 9th March, 2018. If the Appellants provides the e-mail address of 2nd Respondent, let notice be also issued through e-mail.

Post the matter on 3rd April, 2018.

During the pendency of this appeal, if the Madras Race Club wants to convene any AGM, they will also allow the members who have been excluded by the impugned order dated 13th December, 2017 to take part or in alternative the 1st Respondent may defer the meeting of the AGM and may hold the same with the permission of this Appellate Tribunal.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/uk