

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 73 of 2018

IN THE MATTER OF:

Ramprasad Dalmia

...Appellant

Vs.

Board of Directors Milkfood Ltd. & Ors.

...Respondents

Present: For Appellant: - Mr. Abhijeet Sinha, Ms. Pratiksha Sharma and Mr. Kumarjit Banerjee, Advocates.

O R D E R

12.03.2018 — Learned counsel for the Appellant submitted that the impugned order dated 20th December, 2017 was received by the Appellant on 26th February, 2018 and the appeal was preferred on 9th March, 2018 i.e. well within forty-five days of the period prescribed for filing appeal. It is submitted that the application for condonation of delay has been filed inadvertently.

Having seen the aforesaid fact and as we find that the appeal has been filed within time, we allow the Appellant to withdraw the application for condonation of delay. I.A. No. 260 of 2018 stands disposed of.

The question arises for consideration in this appeal is whether the application under sections 96-98, 101-102, 107 read with Sections 118 and 121 of the Companies Act, 2013 can be dismissed at the threshold

Contd/-.....

without going into the merit for the ground as mentioned in the impugned order dated 20th December, 2017.

Let notice be issued on Respondents by speed post. Requisite along with process fee, if not filed, be filed by 13th March, 2018. If the Appellant provides the e-mail address of Respondents, let notice be also issued through e-mail.

Post the matter on 9th April, 2018 before appropriate Bench.

In the meantime, the operation of the impugned order dated 20th December, 2017, so far as it relates to the imposition of cost of Rs. 50,000/- on the Appellant shall remain stayed.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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