

NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
NEW DELHI

Company Appeal (AT) No.153 of 2017

IN THE MATTER OF:

Vashisht Kumar Goyal

...Appellant

Vs

Rishi Infratech P Ltd Ors

...Respondents

Present: Mr. Sangram Patnaik, Advocate with Mr. Dhrubajit Saikia, Swayamsidha Patnaik, Advocates for the appellant.

ORDER

16.05.2017 - By the next date the parties will address the Appellate Tribunal under which provision the amendment of pleading and impleadment of parties can be made, if the Civil Procedure code is not made applicable in the proceedings pending before the Tribunal. We have noticed Rule 155 of NCLT Rules but it does not cover the amendment of the plaint or prayer or impleadment of party in a petition pending.

There is "Inherent power of Tribunal" under Rule 11 of NCLT Rules, but the question arises whether amendment of pleading or prayer can be made in exercise of inherent power of the Tribunal.

Issue notice. Ms Gurkamal Hora Arora, Advocate accepts notice on behalf of 1st and 2nd Respondent. Mr. Amit Kumar, Advocate accepts notice on behalf of 3rd to 6th Respondent. No further notice be issued to them.

Post the matter on 26th May, 2017.

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In the meantime, if the Tribunal proceed with the company petition on the basis of amendment it will be subject to the decision of the appeal.

(Justice S.J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member (Technical)

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