

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 149 of 2018

IN THE MATTER OF:

M/s. Krishna Metal Industries Pvt. Ltd. & Ors. ...Appellants

Vs.

Mr. Vijay Kumar Goyal & Ors. ...Respondents

**Present: For Appellants: - Mr. P. Nagesh and Mr. Dhruv Gupta,
Advocates.**

For Respondents:- None.

ORDER

07.05.2018- Learned counsel appearing on behalf of the Appellants submits that without deciding the merit of the application under Sections 241 & 242 of the Companies Act, 2013, a final order by way of interim order has been passed by the National Company Law Tribunal, which is against the decision of this Appellate Tribunal in **“Upper India Steel Manufacturing and Engineering Co. Ltd. & Ors. Vs. Gurlal Singh Grewal & Ors.— (2017) SCC OnLine NCLAT 339”**, wherein this Appellate Tribunal observed:

“32. In the present case, the Tribunal has come to a definite conclusion that the Petitioners (Appellants in Company Appeal (AT) No. 189 of 2017) have failed to make out a case of ‘Oppression and Mismanagement’. Having given such findings, we are

of the view that the Tribunal had no jurisdiction to pass any order in terms of sub-section (1) or (2) of Section 242 of the Companies Act, 2013.”

2. Let notice be issued on the Respondents both in the matter of petition for condonation of delay and the appeal by Speed Post. Requisite along with process fee, if not filed, be filed by 8th May, 2018. If the Appellants provide the e-mail address of Respondents, let notice be also issued through e-mail.
3. Post the matter for admission on 24th May, 2018, before appropriate Bench.
4. Until further orders, the operation of the impugned order dated 22nd February, 2018, shall remain stayed.
5. Pendency of this appeal will not come in the way of the National Company Law Tribunal to decide the petition under Sections 241 & 242 of the Companies Act, 2013 on merit.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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