

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 213 of 2017

IN THE MATTER OF:

Archer Power System Pvt. Ltd.

...Appellant

Vs

Cascade Energy Pvt. Ltd. & 4 Ors.

....Respondents

With

Company Appeal (AT) No. 296 of 2017

IN THE MATTER OF:

Archer Power System Pvt. Ltd.

...Appellant

Vs

Cascade Energy Pvt. Ltd. & Ors.

....Respondents

Present:

For Appellant: Mr. Gautham Shivshankar and Ms. Rupali Samuel, Advocates.

For Respondents: Mr. Arun Kathpalia, Sr. Advocate with Mr. S. Nithin, Ms. Arunima Singh and Ms. Sonali Karwasra, Advocates for R-1.

O R D E R

28.05.2018: One of the question arises for consideration is whether the preferred petition under Section 241 and 242 preferred by 'M/s Cascade Energy Pvt. Ltd.' (Petitioner) is maintainable or not in view of plea taken by the Appellant (Respondent) that the Petitioner is not eligible in terms of Section 244 read with Section 89 (2) and (8) of the Companies Act, 2013.

According to learned counsel for the Respondent (Petitioner) the aforesaid question does not arise for consideration as 'M/s Cascade Energy Pvt. Ltd.' has been recorded as a Shareholder of the Company.

Heard learned counsel for the parties in part. Post the appeals 'for hearing'
on **4th July, 2018 at 12:00 Noon.**

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansilal Bhat]
Member (Judicial)

am/gc