

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 368 of 2017

IN THE MATTER OF :

Nasik Diocesan Trust Assn. Pvt. Ltd. & Anr.

... Appellants

Versus

Uday Daniel Khare & Ors.

... Respondents

**Present: For Appellants : Shri Devansh Mohta, Shri Babit Jamwal,
Shri Aslam Ahmed and Shri Venkat Poowa,
Advocates**

ORDER

06.11.2017 Learned counsel of the appellants submits that the respondent/applicant is not member of a company and, therefore, the application for 'waiver' under Proviso to Section 244 of the Companies Act, 2013 was not maintainable. In spite of the same, without giving any reason, the application for 'waiver' has been allowed by the Tribunal, which is against the decision of this Appellant Tribunal in "*Cyrus Investments Pvt. Ltd. & Anr. Vs. Tata Sons Ltd. & Ors.*" - [Company Appeal (AT) Nos. 133 and 139 of 2017] passed on 21st September, 2017.

Let Notice be issued on the respondents by Speed Post. Requisites along with process fees, if not filed, be filed by 8th November, 2017. If the appellants provide e-mail address of the respondents, let notice be also issued through e-mail.

Post the matter on 20th November, 2017.

In the meantime, the appellant may file additional affidavit enclosing copy of the application for waiver and the proposed company petition, if any filed by the Respondent. During the pendency of this appeal, all the orders, as may be passed by the Tribunal, shall be subject to the decision of this appeal.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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