

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) No. 370 of 2017**

**IN THE MATTER OF:**

**VLS Finance Ltd.**

**...Appellant**

**Versus**

**Southend Infrastructure Pvt. Ltd.  
& Ors.**

**...Respondents**

**Present:**

**For Appellant : Shri Rana Mukherjee, Senior Advocate assisted by Shri  
Ashok Kumar Sharma and Ms. Sreoshi Chatterjee,  
Advocates**

**O R D E R**

**07.11.2017**      The question arises for consideration is whether in a petition under Section 241 and 242 of the Companies Act, 2013 the appellant can claim to be a necessary party, the appellant having claimed the landed property of the company, which may be affected, if any order is passed under Section 242. It is informed that with regard to the said very property a case is also pending before the Hon'ble Supreme Court.

Let notice be issued on the respondents by Speed Post as to why in the facts and circumstances of case, instead of allowing the appellant to intervene, the appellant be not impleaded as party-respondents.

Requisites along with process fee, if not filed, be filed by 8<sup>th</sup> November, 2017. Dasti service is permitted.

Post the matter on 21<sup>st</sup> November, 2017.

In the meantime, any order passed by the Tribunal, it shall be subject to the decision of this appeal.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member(Judicial)

/ns/gc