

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

**Company Appeal (AT) (Ins) No. 272 of 2017**

**IN THE MATTER OF:**

**Hasmukhalal Madhavlal Patel & Anr. .. Appellant**

**Versus**

**Ambika Food Product Pvt. Ltd. & Ors. .. Respondents**

**Present:**

**For Appellant: Shri Vijay Assudani and Shri Pradeep Tiwari,  
Advocates.**

**For Respondent: Shri Malak Bhatt, Ms. Sonali Malik Advocates for  
Respondent Nos. 2 & 3**

**Shri Sujeet Gupta and Shri Vikash Aggarwal  
Advocates for Respondent Nos. 4 & 5**

**WITH**

**Company Appeal (AT) (Ins) No. 273 of 2017**

**IN THE MATTER OF:**

**Hasmukhalal Madhavlal Patel & Anr. .. Appellant**

**Versus**

**Ambika Food Product Pvt. Ltd. & Ors. .. Respondents**

**Present:**

**For Appellant: Shri Ashok Mehta, PCS and Shri Pradeep Tiwari,  
Advocates.**

**For Respondent:                    Shri Malak Bhatt, Ms. Sonali Malik Advocates for  
Respondent Nos. 2 & 3**

**ORDER**

**20.11.2017**                    Admit. Heard the Counsels for the parties.

Admittedly, from the impugned order we find that the Tribunal held that the parties have not established a case of ‘Oppression and Mismanagement’. However, in spite of the same, we find that the Tribunal exercised its power under Section 242 of Companies Act, 2013 and passed certain directions on the ground that three groups are in loggerheads and irregularities alleged by the parties are required to be examined by an Auditor.

The question arises for consideration in this appeal is whether Tribunal has jurisdiction to pass any order under Section 242 of the Companies Act, 2013 once it comes to a definite conclusion that parties have failed to establish acts of ‘Oppression and Mismanagement’?

Learned Counsels for the Appellant and Respondents pray for and allowed time to address the Appellate Tribunal on the issue in question.

Post the matter for further hearing on 4<sup>th</sup> December, 2017 at 12.00 Noon.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice A.I.S. Cheema]  
Member (Judicial)

[Justice Bansilal Bhat]  
Member (Judicial)

/akc/