

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 392 of 2017
Company Appeal (AT) No. 393 of 2017

IN THE MATTER OF:

Gireesh Kumar Sanghi & Anr.

...Appellants

Versus

M/s. Ravi Sanghi & Ors.

...Respondents

Present:

For Appellants :

**Shri S. N. Mukherjee, Senior Advocate assisted
by Shri P. Nagesh, Shri Dhruv Gupta,
Advocates and Shri S. Chidambaram, PCS
(in both the appeals.)**

For 3rd Respondent :

**Shri Ashwin Kumar and Ms. Surbhi Mehta,
Advocates (in Comp.App. (AT) No. 393 of 2017)**

O R D E R

29.11.2017 The question arises in this appeal(s) is whether in a petition under Section 397 and Section 398 of the Companies Act, 1956 (now Section 241 of the Companies Act, 2013) after more than eight years a persons can be impleaded as petitioner ?.

In this connection, we intend to hear as it appears that if such persons are allowed to be impleaded in a petition which otherwise may not be maintainable on the date of filing can be treated to be a petition maintainable, therefore, petition may not be maintainable in view of ineligibility under Section 399 of the Companies Act, 1956 (now Section 244 of the Companies Act, 2013) on the date of filing.

Let notice be issued on the respondents of the respective appeals by Speed Post.

Shri Ashwin Kumar, Advocate in Company Appeal (AT) No. 393 of 2017 accepts notice on behalf of 3rd respondent. No further notice need be issued on it. He may file reply within ten days.

Insofar as other respondents are concerned, requisites alongwith process fee, for issuance of notice by Speed Post, be filed by tomorrow i.e. 30th November, 2017. If the appellant provides *e-mail* address of the respondents, then let notice be also issued through *e-mail*.

Post both the appeals on 19th December, 2017.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member(Judicial)

/ns/uk