

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

**I.A. No. 352 and 353 of 2017**  
**IN Company Appeal (AT) No. 213 of 2017**

**IN THE MATTER OF:**

**M/s. Archer Power Systems Private Limited** ... Appellant

## Versus

**Cascade Energy Pte Ltd. & Ors. ... Respondents**

**Present: For Appellant : Shri Goutham Shivshankar, Advocate**

**For Respondents : Shri Dhruv Mahata, Senior Advocate with Shri Shalini Kaul, Shri Chaman Lal, Shri Soham Kumar and Ms. Ginni Sehgal, Advocates and Shri Vinod Jain, Chartered Accountant (R1)**

**AND**

**Company Appeal (AT) No. 296 of 2017**

**IN THE MATTER OF:**

**M/s. Archer Power Systems Private Limited ... Appellant**

## Versus

**Cascade Energy Pte Ltd. & Ors. ... Respondents**

**Present: For Appellant : Shri Raja Mukherjee, Senior Advocate with  
Shri Goutham Shivshankar and Ms. Sreoshi  
Chatterjee, Advocates**

**For Respondents : Shri Dhruv Mahata, Senior Advocate with  
Shri Shalini Kaul, Shri Chaman Lal, Shri Soham  
Kumar and Ms. Ginni Sehgal, Advocates**

## **ORDER**

**06.10.2017**    The questions involve in these appeals are :

- (i)    Whether the Tribunal has power to pass any interim order under sub-section (4) of Section 242 for protection of right of any member or other purpose unrelated to the regulation of the conduct of the Company ?
- (ii)    Whether the impugned interim order(s) passed by the Tribunal are in consonance with sub-section (4) of Section 242 of the Companies Act, 2013 and legal ?
- (iii)    Whether the Tribunal has inherent power under the Companies Act, 2013 or Rules framed thereunder to pass any interim order in a petition under Section 241 of the Companies Act, 2013 ?-

Heard in part.

Post the matters for further hearing on 23<sup>rd</sup> October, 2017 at 2:00 P.M.  
as first part-heard cases.

In the meantime, it will be open to the learned counsel for the appellant(s) and the respondents of both the appeals to file short written submissions not more than three pages.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Balvinder Singh)  
Member (Technical)

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