

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 44 of 2018

IN THE MATTER OF:

Suman Dhir & Ors.

...Appellants

Vs

Gyan Ganga Educational Institute Pvt. Ltd. & Ors.

....Respondents

Present:

For Appellant: Mr. Sumesh Dhawan and Ms. Charu Sharma, Advocates.

**For Respondent: Mr. Jeevesh Nagrath, Mr. Amit S. Amist and Mr. Chitvan Singhal, Advocates for Respondent no. 1 to 3.
Mr. Anju Jain, Advocate for Respondent no. 4
Ms. Meghna Nagpal, Advocate for Respondent no. 5.
Mr. Hitesh Sachal, Advocate for Respondent no. 6.
Mr. S. K. Batra, PCS for Respondent no. 6.**

ORDER

04.04.2018: Advocate Mr. Hitesh Sachal states that he is appearing for respondent no. 6. He states that he does not want to file affidavit in reply and states that in NCLT itself by order dated 23rd March, 2017 NCLT had directed that respondent no. 6 is not a necessary party and should not be impleaded in the petition. He says that still respondent no. 6 has been impleaded. He may file I. A. highlighting the submissions made.

2. Counsel for respondent nos. 4 & 5 wants time to file brief affidavit in reply. She may do so within a week. Brief rejoinder may be filed within a week thereafter.

3. Counsel for respondent states that costs directed by NCLT have not been deposited. It is made clear that we have not stayed the orders of NCLT.

4. The appeal shall be confined only to the pleadings before the Tribunal whose order is challenged. However, the appellant may with due notice to the respondents and with leave of this Bench urge additional grounds at the time of hearing. If the appellants have already raised any additional grounds at the time of filing this appeal, the appellant shall disclose the same by next date, in writing.

5. The parties may produce copies of petition/ documents which are part of the record in Tribunal below, if and to the extent necessary to answer the grounds urged in the appeal. The appellant shall produce (unless already produced) by next date, copies of all documents referred to and relied on by the Tribunal below in the impugned order.

6. If the parties have produced or want to produce any document which was not part of the records in the Tribunal below, the parties shall make a separate application stating the reasons for not producing it in the Tribunal below, and the necessity for its production in this appeal and seek leave of this Bench for producing and considering such additional documents.

7. After the pleadings are complete, the parties may file "Bullet points of arguments to be made" not more than 2-3 pages making reference to page numbers in paper book. The Appellants should in Bullet Points refer to page

numbers of documents referred to and relied on by the Tribunal below in the impugned order. The bullet points be produced before the date of hearing.

8. List the matter on **26th April, 2018**.

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

(Balvinder Singh)
Member (Technical)

sh/nn