

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) No. 59 of 2018

IN THE MATTER OF:

Rohan Packaging Products Ltd. & Ors.

...Appellant

Vs

Lakhimchand Gidwani & Ors.

....Respondents

Present:

**For Appellant: Mr. Sanjeev Srivastava and Mr. Kamal Ahuja,
Advocates.**

**For Respondent: Mr. P. K. Mittal and Mr. Ashish Chouhan, Advocates for
Respondent no.1 to 4.**

O R D E R

09.04.2018: Ministry of Corporate Affairs has been made respondent no. 7. Counsel for the appellant agrees that no relief is sought against the Ministry and there are no averments against the Ministry. The Ministry is not necessary party. The appellant to amend the appeal memo. The name of Ministry of Corporate Affairs shall be bracketed and marked as “Deleted”.

2. Respondent Nos. 6 and 10 are yet not served. When the appeal memo is cross checked with copy of “I.A. No. 27 of 2017 in Company Petition No. 19/2015 ” which is at Page no. 359, it is seen that the Company Petition had only 4 petitioners and 9 respondents. However, in the appeal by original respondent 1 to 4 the memo of parties has made 11 persons as respondents and page no. 15 says that they are “original petitioner nos. 1 to 4 and original Respondents nos. 6 to 12”. The counsel present for the appellants accepts that Respondent no. 5 Mrs. Harsha Padia who was party in the Company Petition (as can be seen from Page no. 360) is not party in this appeal. It is now

accepted at Bar that Respondent no. 9 Mr. Rajesh Naria, Respondent no. 10 Mr. Ganesh Patil and Respondent no. 11 Mr. Yashwat Kagale arrayed as respondents in the Memo of Parties in this appeal were not respondents in the Company petition. Counsel for the Appellant states that copy of the Company Petition no. 19 of 2015 itself has not been filed. However, counsel for both sides say that the parties as reflecting at page no. 359 to 361 in the I. A. no. 27 of 2017 are as per the Company Petition.

3. Seen affidavit dated 30.01.2018 of Mr. Siddhartha Bhate Son of Mr. Rajendra Bhate at Page No. 88 of the company appeal. The affidavit asserts that whatever has been stated in the company appeal is true and correct to the best of his knowledge and belief and that no part of it is false and nothing material has been concealed therein.

4. The appellant no. 4 to say why contempt proceeding should not be initiated against him for making false statements in this appeal.

5. List the appeal on **2nd May, 2018**.

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

(Balvinder Singh)
Member (Technical)

sh/nn