

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

**Company Appeal (AT) No. 73 of 2018**

**IN THE MATTER OF:**

**Ramprasad Dalmia**

**...Appellants**

**Vs**

**Board of Directors Milkfood Ltd. & Ors.**

**....Respondent**

**Present:**

**For Appellant: Mr. Abhijeet Sinha, Ms. Jyoti Singh, Ms. Pratiksha Sharma, Mr. Kumarjit Banerjee and Mr. Aditya Shukla, Advocates**

**For Respondent: Ms. Malini Sud, Mr. Vikas Mishra and Mr. Shashwat Tripathi, Advocates for Respondent no. 1 to 5.**

**O R D E R**

**09.04.2018:** Counsel for both sides agrees that the impugned order relates to question of interpreting the law and provisions of the Companies Act on the question of maintainability. Counsel for appellant states that the copies of documents which were before the learned NCLT when the present impugned order was passed, have been filed. As such the learned counsel for respondents submits that the respondents do not wish to file formal affidavit in reply and will meet the challenge in the appeal on the basis of law point and the provisions of law. The counsel for respondents says that it should not be construed that the adverse facts have been admitted.

2. Counsel for both sides may argue the appeal.

3. Counsel for the appellants is partly heard. Counsel for both sides submit that they will file written arguments which are to be made referring to the

rulings concerned for better submissions when the further arguments are made.

4. Parties may file written argument before next date.

5. List the appeal for further hearing on **23<sup>rd</sup> April, 2018**. The interim order passed on 12th March, 2018 will continue till the decision of this appeal.

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

(Balvinder Singh)  
Member (Technical)

sh/nn