

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

COMPANY APPEAL(AT) NO.65 OF 2018

IN THE MATTER OF:

Vestal Educational Services Pvt Ltd

Appellant

Vs

Shri Lanka Venkata Naga Murlidhar & Ors

Respondents

Present:

For Appellant:- Sh Ankur Gupta, Advocate.

For Respondents:- Mr. J. Krishna Dev, Advocate for 1st Respondent.

ORDER

10.08.2018 - Heard counsel for both sides. It appears that at Diary No.6282 Rejoinder has been filed by Appellant referring to and relying on additional documents which were not before NCLT and for which a separate application at Page 31 has been filed vide Diary No.6282. It was improper for the appellant not to have first applied and sought orders for admitting and relying on additional documents and to directly refer and rely on additional documents in the Rejoinder.

The learned counsel for appellant now states that they wanted to file additional documents with application but Registrar did not accept stating that the order of the Court would be necessary and so with the rejoinder the same have been filed. We find this to be still more inappropriate method of putting on record documents without permission of the Court.

For the above reasons, at the moment we will treat the Rejoinder as not on record as well as the application and documents tendered with it. At the time of final hearing in the course of arguments if it appears to us necessary in the interest of justice, we will consider the Rejoinder and application to file additional documents. Otherwise the Rejoinder and application and documents filed with Diary No.6282, shall remain as not on record.

List the appeal for hearing on 27th August, 2018.

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

(Mr. Balvinder Singh)
Member (Technical)

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