

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

**Company Appeal (AT) No. 368 of 2017**

**IN THE MATTER OF :**

**Nasik Diocesan Trust Assn. Pvt. & Ors.**

**... Appellants**

**Versus**

**Uday Daniel Khare & Ors.**

**... Respondents**

**Present: Shri Devansh Mohta, Shri Babit Jamwal and Shri Venkat Poonia, Advocates for the Appellants.**

**Shri Rahut Chitnis and Shri Yogesh K. Ahirrao, Advocates for Respondents Nos. 1 and 2.**

**Shri Amol Arun Shinde, Advocate for Respondent Nos. 3.**

**Shri Abhishek Jebaraj, Advocate for Respondent No. 8.**

**O R D E R**

**08.02.2018** In spite of the directions given on 24<sup>th</sup> January, 2018, the defects in compilation tendered by the appellants have not been cleared and the result is that the necessary documents are still not before the Tribunal. The learned counsel for the appellants says that he is ready to argue and is trying to tender the copy of the Company Petition as well as Miscellaneous Application which was filed for waiver. Learned counsel for the respondents submit that such tendering of documents across the Bar creates difficulty for them as what has been served on them becomes different and arguments become difficult.

Looking to the orders which were passed on the last date, the present appeal really needs to be dismissed in default for non-compliance

as on the last date itself, it was indicated that if the defects are not removed, suitable orders will be passed.

Counsel for the appellants seeks one opportunity to rectify the defects. Counsel for Respondents Nos. 3 and 8 are objecting that because of the acts of the appellants, respondents are being put to inconvenience.

Time is granted subject to payment of costs of Rs. 5,000/- to be equally divided and paid to Respondents Nos. 3 and 8.

It is made clear that there is no stay to the further proceedings in NCLT.

List the appeal for hearing on **15<sup>th</sup> March, 2018**.

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

[Balvinder Singh]  
Member (Technical)