

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 370 of 2017

IN THE MATTER OF :

VLS Finance Ltd.

... Appellant

Versus

Southend Infrastructure Pvt. Ltd. & Ors.

... Respondents

Present: Shri Brijender Chahar, Senior Advocate with Shri Ashok Kumar Sharma, Advocate and Shri Harsh Allagh, Authorised Representative of the Appellant.

Shri Ashish Agarwal and Ms. Sanyogita Jain, Advocates for Respondents Nos. 6 to 11.

Shri Shri Kaustab Sinha and Shri Navin Kumar, Advocates for Respondent No. 12.

Shri A.T. Patra, Advocate for Respondent No. 22.

Shri Pulkit Deora, Advocate for Respondents Nos. 13, 14 and 21.

O R D E R

23.01.2018

I.A. No. 75 of 2018 :

Heard the learned counsel for the Appellant-Applicant. It appears that the request of the Appellant-Applicant before the National Company Law Tribunal (hereinafter referred to 'NCLT') for impleadment was not allowed and he was only permitted to intervene in the order to assist the NCLT. Against the said impugned order, the present appeal was filed.

2. In the meanwhile, it appears that the Company Petitioner in NCLT moved an application for withdrawal and has withdrawn the Company Petition itself and order dated 19.12.2017 regarding that has been passed.

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3. Learned counsel for the Appellant-Applicant is referring to Rule 82 of the National Company Law Tribunal Rules, 2016 and reading the same with Form No. NCLT-9 to submit that the withdrawal application was not filed in the concerned format and the material facts were suppressed and thus he is challenging even the order dated 19.12.2017.

4. We find that by an application, we would not be able to deal with the concerned subject. The Appellant-Applicant may file separate appeal concerning the said impugned order dated 19.12.2017.

5. In the meanwhile, the present appeal is adjourned giving one opportunity to the Appellant to file appeal challenging the order dated 19.12.2017 also, if so advised and desired. In default, we will pass suitable Order in this appeal.

List the present appeal on **16th February, 2018.**

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

[Balvinder Singh]
Member (Technical)