

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

COMPANY APPEAL(AT) NO.01 OF 2018

IN THE MATTER OF:

M/s Atmaram B. Agarwal & Ors.

Appellant

Vs

Supriya Prints Pvt Ltd & Ors.

Respondent

Present: For Appellant:- Mr. Atmaram, Director.

For Respondents:- - Mr. Dhruv Gupta, Advocate for Respondent No.3.
Mr Pradip Binani, in person for Respondent No.1 and 2. Mr. Manish Binani, in person for Respondent No.4.

ORDER

02.07.2018 - 1. Appellant is party in person and was directed on 10th April, 2018 that the paper books are not properly marked for easy reference and was directed to sit with the Registry and do the proper marking of the volumes. It is also noticed that the documents incorporated in the paper books do not necessarily match with what is mentioned in the index. For example, Volume 1, Annexure P-7 is shown in the index as "Application dated 06/04/2011 submitted to Respondent No.10 to transfer the Land of the Respondent No.1 Company in favour of Appellant No.1 and Respondent No.2" at Pages 139-147. However, if what has been inserted in the paper book is seen, the pages 139-147 are some "Undertaking to be given by Transferor" and such documents. It is very difficult to read and co-relate the paper books in the manner in which the same has been filed.

On earlier occasion on 10.4.2018 the parties were permitted to file only those documents which were part of the record in Tribunal below and if any document which was not part of the Tribunal below, the parties were directed to make a separate application stating the reasons for not producing it in the Tribunal below, and necessity to now file.

Learned counsel for the Respondent has pointed out that the appellant has filed Volumes 9 to 16 purporting to be documents filed in the NCLT. However, from these volumes the Volume 13 contains documents which were not part of the record of NCLT.

The cover of the Volume 13 mentions that "Documents New Application NCLAT 2018 - Pages 1 to 193". Even if this Volume 13 is opened, it starts with documents and at the end of the Volume an affidavit is attached after Page 193. These documents were not part of the Tribunal below. The appellant states that no New Application is there. Thus the index on the 1st page of the Volume 13 is misleading. The volume does not contain any application as such.

We find that although we have tried to guide the appellant in the manner in which the applications are to be made and filed, we find that he is not in a position to assist the Tribunal and to conduct matter in person. The appellant may take legal aid/assistance of an Advocate, if he wants.

List the appeal for necessary compliances by the appellant by and on 23rd July, 2018.

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

(Mr. Balvinder Singh)
Member (Technical)

Bm/nn