

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 295 of 2017

IN THE MATTER OF:

R. Swarup Reddy

...Appellants

Vs

M. N Pratap Reddy & Ors.

....Respondents

Present:

For Appellants:

**Mr. S.S Antanam Swaminadhan and Ms. Nishtha
Khurana, Advocates.**

For Respondents:

CA G.V. Rao, Advocate for Respondent No. 1 & 2.

O R D E R

07.11.2017: Heard learned counsel for the appellant and learned counsel for the Respondent Nos. 1 & 2. It is stated that the other respondents have been served.

The impugned order refers to the auditors raising a bill of Rs. 36 Lakhs towards their fees including service tax. The learned NCLT directed payment of half of the fees and directed that the balance of the fees payable to the Auditor would be decided by separate order as the parties had been heard at length on both sides.

Now the learned counsel for the appellant and Respondent nos. 1 and 2 are submitting that in terms of the interim order of this tribunal dated 08.09.2017, Rs. 5 lakhs have been paid to the auditor and matter can be sent

back to the NCLT to decide the fees deciding the objections raised by the parties.

The learned NCLT has already stated that it would decide the balance of the fees. The learned NCLT directed payment of 50 per cent of the fees claimed of Rs. 36 lakhs. It directed the auditor to complete the work and file final report. What is paid at present is Rs.5 lakhs and adjudication of dispute is having sought. The real person who will be affected by any directions given by this tribunal would be the Auditor and they are not before this tribunal. The Appellant may add the Auditor as party respondent in this appeal and we would like to hear the Auditor to consider the appeal against the impugned order.

The appellant to amend the appeal so as to add the Auditor as Respondent and then notice be issued to the Auditor by speed post on payment of process fee and supply of requisites. If e-mail is provided, notice by e-mail also be sent.

List the matter on **17th November, 2017.**

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

(Balvinder Singh)
Member (Technical)