

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

**Company Appeal (AT) No.226 of 2020**

[Arising out of Order dated 13.11.2020 passed by National Company Law Tribunal, Ahmedabad Bench, Ahmedabad, Court 2 in IA 127 of 2018 in CP No.69/NCLT/AHM/2017]

**IN THE MATTER OF:**

**Before NCLT**

**Before NCLAT**

- |   |                                  |                   |
|---|----------------------------------|-------------------|
| 1. M/s. Madhu Silica Pvt. Ltd.<br>Plot No.147,<br>GIDC Estate,<br>Village: Vartej,<br>Bhavnagar – 364060<br>Gujarat, India  | Applicant/<br>Respondents 1 to 9 | Appellants 1 to 9 |
| 2. Mr. Rameshchandra Shah<br>S/o Shri Vijaychand Shah<br>1899/A, “Vasudha”<br>Rupani Circle,<br>Opp. Akash Ganga,<br>Bhavnagar, Gujarat                                   |                                  |                   |
| 3. Mr. Rameshchandra Shah (HUF)<br>Through its Karta<br>Mr. Rameshchandra Shah<br>1899/A, “Vasudha”<br>Rupani Circle,<br>Opp. Akash Ganga,<br>Bhavnagar, Gujarat          |                                  |                   |
| 4. Mr. Rameshchandra Shah Family Trust<br>Through its Trustee<br>Mr. Rameshchandra Shah<br>1899/A, “Vasudha”<br>Rupani Circle,<br>Opp. Akash Ganga,<br>Bhavnagar, Gujarat |                                  |                   |
| 5. Mrs. Kalpna R. Shah<br>(Through its Power of   |                                  |                   |

attorney holder)  
W/o Mr. Rameshchandra  
Shah  
1899/A, "Vasudha"  
Rupani Circle,  
Opp. Akash Ganga,  
Bhavnagar, Gujarat

6. Mr. Darshak  
Rameshchandra  
Shah  
(Though its Power of  
attorney holder)  
S/o Mr. Rameshchandra  
Shah  
1899/A, "Vasudha"  
Rupani Circle,  
Opp. Akash Ganga,  
Bhavnagar, Gujarat
7. Mr. Darshak  
Rameshchandra  
Shah (HUF)  
Though Karta  
Mr. Rameshchandra  
Shah  
1899/A, "Vasudha"  
Rupani Circle,  
Opp. Akash Ganga,  
Bhavnagar, Gujarat
8. Mrs. Reena Darshak  
Shah  
(Though its Power of  
attorney holder)  
W/o Mr. Darshak  
Shah  
1899/A, "Vasudha"  
Rupani Circle,  
Opp. Akash Ganga,  
Bhavnagar, Gujarat
9. Darshak Finstock Pvt.  
Ltd.  
Plot No.147, GIDC Estate,  
Vil Vartej,

Bhavnagar - 364060,  
Gujarat

**Vs.**

- |   |                                    |                    |
|---|------------------------------------|--------------------|
| 1. Mr. Bharat P. Raut<br>S/o Shri Padmakar<br>M. Raut,<br>Flat No.173,<br>Tower – C,<br>Santwani,<br>LIC Colony,<br>Off Devdas Lane,<br>Boarivali West,<br>Mumbai – 400103                            | Respondents/<br>Petitioners 1 to 4 | Respondents 1 to 4 |
| 2. Mr. Bharat P. Raut<br>(HUF)<br>Through Karta<br>Mr. Bharat Padmakar<br>Raut,<br>Flat No.173,<br>Tower – C,<br>Santwani,<br>LIC Colony,<br>Off Devdas Lane,<br>Boarivali West,<br>Mumbai – 4001033. |                                    |                    |
| 3. Mrs. Vidya B. Raut,<br>W/o Mr. Bharat M. Raut,<br>Flat No.173,<br>Tower – C,<br>Santwani,<br>LIC Colony,<br>Off Devdas Lane,<br>Boarivali West,<br>Mumbai – 400103                                 |                                    |                    |
| 4. Mr. Manas B. Raut,<br>S/o Shri Padmakar M.<br>Raut,<br>Flat No.173,<br>Tower – C,  |                                    |                    |

Santwani,  
LIC Colony,  
Off Devdas Lane,  
Boarivali West,  
Mumbai – 400103

**For Appellants:**                    **Shri Saurabh Soparkar, Sr. Advocate with Shri  
Karan Valecha, Shri Jaimin Dave and Shri Shivam  
Parikh, Advocates**

**For Respondents:**                **None**

**ORDER**  
**(Virtual Mode)**

**09.12.2020**            This is fresh case for admission.

2.     Heard Counsel for Appellant. The learned Counsel for the Appellant is submitting that there is another Contempt Petition filed against the Appellants which is also pending in this Tribunal. He states that because of that Contempt Petition filed, the present matter may be adjourned.

3.     We have seen the Impugned Order in IA 127 of 2018 in CP No.69/NCLT/AHM/2017 dated 13<sup>th</sup> November, 2020 passed by National Company Law Tribunal, Ahmedabad Bench, Court 2, which reads as under:-

“In view of the adjournment in IA 786 of 2020 in CP 69 of 2017, this matter is also adjourned.

List the matter on 15.12.2020.”

4.     The Appeal claims that there was a strong prima facie case which the Appellants had and the balance of convenience was in favour of the

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Appellants and that they would have suffered irreparable loss and so wanted the learned Adjudicating Authority (National Company Law Tribunal, Ahmedabad Bench – [NCLT - in short]) to take up the matter and grant interim relief but the learned NCLT adjourned the matter.

5. We have seen the earlier Orders passed by this Tribunal in Company Appeal (AT) No.104 of 2019 (Annexure – 9) and the fate of the Civil Appeal No.3121 of 2020 in the Hon'ble Supreme Court of India (Annexure – 10). We do not find any reason to interfere at this stage of the matter before NCLT. The Impugned Order does not record any finding. Only because the Appellant was seeking immediate Orders and they were not passed, that is no reason to rush into the appeal.

There is no substance in the Appeal.

The Appeal is declined to be admitted and thus dismissed.

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

[V.P. Singh]  
Member (Technical)

*rs/md*