

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

**Company Appeal (AT) No.99 of 2017**

**IN THE MATTER OF:**

**Dilip Timblo**

**...Appellant**

**Vs**

**Sociedade De Formento Pvt Ltd & Ors**

**...Respondents**

**Present:** **Mr. Joseph Kodianthara, Sr. Advocate with Mr. Eric Coriea, Mr. R. Chandrachud, Advocates for the appellants. Mr Pankaj Savant, Senior Advocate with Ms. Malavika Prasad, Ms Neha Malik, Ms Amrita Narayan, Mr. Rajan Narain, Mr Erach K, Mr K. Rawat , Advocates for the Respondents.**

**ORDER**

11.04.2017 - Let notice be issued to Respondents. Mr. Pankaj Savant, Senior Advocate accepts notice on behalf of the Respondents. No further notice be issued to them.

In this appeal the appellant has challenged the order dated 29<sup>th</sup> March, 2017 passed by the National Company Law Tribunal, Principal Bench, New Delhi in CP No.87/2006 which reads as under:

***“The matter has already been heard and it is posted for further hearing on 24.5.2017”***

We have heard the Learned Counsel for the appellants and Learned Counsel of Respondents. From the records it is revealed that the Company Petition was filed under Sections 397 and 398 read with Section 402 of the

Companies Act, 1956 in the year 2006. Now more than 11 years have been passed but for one or other reason the Company Petition has not been disposed off. From the records we find that different company applications were filed by the parties seven times for one or other interim relief. These parties have also moved before the Hon'ble High Court two times. This is how the matter is pending for last 11 years.

Both the parties submit that the case has been finally heard on merit and the judgement has been reserved. However, in the meantime the appellant has filed another CA 79/2017, the Hon'ble President, of Principal Bench, National Company Law Tribunal, New Delhi ordered to post the matter for hearing of the same on 24<sup>th</sup> May, 2017. Learned Counsel appearing on behalf of the appellants submits that the appellant will not press the CA No.79/2017, as the matter was finally heard in December, 2016 and judgement reserved. In view of the aforesaid stand taken by the parties, we request the Hon'ble President of the National Company Law Tribunal, Principal Bench to dispose of the matter expeditiously. Preferably before 15<sup>th</sup> May, 2017.

The appeal stands disposed off with the above observations. No cost

(Justice S.J. Mukhopadhaya)  
Chairperson

(Mr. Balvinder Singh)  
Member (Technical)