

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL

NEW DELHI

Company Appeal (AT) No. 89 of 2017

K.Ishwara Bhatt

.... Appellant

Vs.

M/s Sun Pharmaceutical Ltd. & Ors.

.... Respondents

Present: For Appellants: - Mr. Anantha Narayana, Advocate

07.04.2017- This appeal has been preferred by the appellant against Order dated 25th January 2017 passed by National Company Law Tribunal, New Delhi in C.P.No. 01/59/2015 which reads as under: -

“The matter pertains to the territorial jurisdiction of the Ahmedabad Bench. It is not a part heard which can be retained at Delhi. Therefore, as per the territorial jurisdiction CP 1/59/2015 shall be transferred to the NCLT, Ahmedabad which has territorial jurisdiction over the matter as the registered office of the respondent 1 company is in the State of Gujarat.

Application dismissed.”

Similar issue fell for consideration before this Court in “63 Moons Technology Limited Vs. Union of India & Ors.” (Company Appeal (AT) No. 03 of 2017), wherein the Appellate Tribunal by judgement dated 9th March 2017 held as follows:-

“25. Section 434(a) read with sub-section (1) of Section 419 of Companies Act 2013 and Notification dated 1st June 2016 issued by Central Government under sub-section (1) of Section 419 and the Rule 64 of NCLT Rule it is clear the Benches, including Principal Bench have territorial jurisdiction on the Companies exclusively on the basis of location of the registered office of such company. In fact, this law is also being followed by the Principal Bench of NCLT, New Delhi for placing all the petitioners before one or other Bench and that Section 488-B of Act 1956, cannot be exception of the same.”

Learned counsel appearing on behalf of the appellant tried to distinguish the case, but as the registered office of the respondent company is at Ahmedabad, Gujarat, we agree with the findings of the NCLT, Principal Bench that NCLT, Ahmedabad has only territorial jurisdiction of the matter. We find no ground to interfere with the impugned order.

The parties are directed to cooperate with the NCLT, Ahmedabad for early disposal of the Company Petition.

The appeal is accordingly dismissed with the aforesaid observations. No
cost.

(Justice S.J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member(Technical)

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