

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

**Company Appeal (AT) No. 80 of 2017**

**IN THE MATTER OF:**

**Mr Manan Chandraprakash Bhavsar ... Appellant**

**Vs.**

**Hasmukh Bachubhai Holdings Ltd. & Ors. ... Respondents**

**Present: For Appellants:- Mr Amar Gupta and Mr Manish K Jha,  
Advocates**

**ORDER**

27.03.2017 – This appeal has been preferred by the Appellant against order dated 27<sup>th</sup> February, 2017 passed by National Company Law Tribunal, Ahmedabad Bench, Ahmedabad (hereinafter referred to as Tribunal) in C.P. No.01/58-59/CLB/MB/2016 (old). By the impugned order, the Tribunal confirmed the pleadings of the Petitioner and the Respondents and passed in impugned order which reads as follows:-

*“ This Tribunal having considered the legal aspects, the pleas of the Original Petitioner and Original Respondents in the pleadings is of the considered view that in order to consider whether the presence of R-2 is necessary or not to adjudicate the reliefs claimed in the main petition, the application shall be heard along with the main petition.*

*List the main TP 116/2016 alongwith IA 9/2017 on 29.3.2017 for final hearing.”*

Having heard Ld. Counsel for the Appellant and going through the records as we find the case is to be taken up by the Tribunal on 29.3.2017 for final hearing and the Tribunal is expected to consider all the aspects, including IA no.9/2017, and dispose of the Company Petition expeditiously in view of Section 422 of the Companies Act, 2013, we are not inclined to interfere with the impugned order.

It is made clear that the Appellate Tribunal has not decided the question whether the Appellant is a necessary party or not, which may be decided by the Tribunal at the time of final hearing of the Company Petition.

The appeal stands disposed of with aforesaid observation. No cost.

Sd/-

(Justice S.J. Mukhopadhaya)  
Chairperson