

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 305 of 2017

IN THE MATTER OF :

Prabir Mukherjee

... Appellant

Versus

M/s. Jatia Cotton Mills Limited & Ors.

... Respondents

**Present: For Appellant : Dr. Kriplendu Dutta, Senior Advocate with
Shri Atanu Mukherjee, Advocate**

**For Respondents Nos. 7 & 8 : Shri Arvind Kumar and
Ms. Henna George, Advocates**

ORDER

18.09.2017

I.A. No. 592 of 2017 :

Having heard Dr. Kriplendu Dutta, learned senior counsel appearing for the appellant and the learned counsel appearing on behalf of the respondent and being satisfied with the grounds, the delay in preferring the appeal is condoned. I.A. No. 592 of 2017 stands disposed of.

Company Appeal (AT) No. 305 of 2017 :

The appellant, who is one of the respondents in C.P. No.04/2013, filed C.A. No. 87 of 2017 before Tribunal with the request to hear three Company Petitions together on the ground that the parties are common. Learned Tribunal, Kolkata Bench, Kolkata,

by the impugned order dated 11th July, 2017, refused to tie all the cases together on the ground that the relief sought for in the Company Petitions are not identical.

The question as to whether the Company Petition should be heard along with other Company Petition(s) or not, depends on the nature of the case including the relief sought for in each of such petitions. It is for the court/tribunal to decide as to whether they are to be heard together or separately. In these circumstances, if the Tribunal decide the Company Petitions separately, the Appellate Tribunal cannot exercise its powers under Section 421 of the Companies Act, 2013, in absence of any illegality in the impugned order. The appeal is accordingly dismissed. No costs.

(Justice S.J. Mukhopadhaya)
Chairperson

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

(Balvinder Singh)
Member(Technical)