

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 185 of 2019

IN THE MATTER OF:

M/s. Ravi Kumar Distilleries Ltd. & Ors.

...Appellants

Versus

M/s. Comfort Intech Ltd. & Ors.

...Respondents

Present:

For Appellants :

**Mr. Mohan Parasaran, Senior Advocate with
Mr. Vishnu Mohan, Mr. Ravi Raghunath, Ms. Aakashi
Lodha, Mr. Ashwin Kumar D.S. and Ms. Aditi Dani,
Advocates**

ORDER

19.07.2019 Learned Senior Counsel appearing on behalf of the Appellants submits that in terms of Section 213 of the Companies Act, 2013, it is only after giving a reasonable hearing to the parties concerned, that the affairs of the company ought to be investigated by an inspector or inspectors, appointed by the Central Government, the Tribunal could have referred the matter to the Central Government. It is submitted that the application u/s 397, 398 and 402 of the Companies Act, 1956 (now Section 241 and 242 of the Companies Act, 2013) was heard on the question of maintainability and not with regard to the investigation u/s. 213 of the Companies Act and order was reserved whereinafter the impugned order has been passed directing the Central Government for investigation which is in violation of the principles of rules of natural justice and the provision of Section 213 of the Companies Act, 2013.

Let notice be issued on the respondents by Speed Post. Requisite along with process fee, if not filed, be filed by 22nd July, 2019. If the appellant provides the *e-mail* address of respondents, let notice be also issued through *e-mail*.

Post the case 'for Admission (After Notice)' on **29th August, 2019** within 5 cases. The appeal may be disposed of on the next date.

Until further orders, operation of the impugned order dated 11th June, 2019 referring the matter to the Central Government for investigation u/s 213 of the Companies Act, 2013 shall remain stayed.

I.A. No. 2233/2019 stands disposed of.

[Justice S.J. Mukhopadhaya]
Chairperson

[Kanthi Narahari]
Member (Technical)

/ns/gc