

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

(Arising out of Order dated 20th July, 2018 passed by the National Company Law Tribunal, Mumbai Bench, Mumbai in IA Nos. 14,15,16,19,20,21, 22,23,24 and 25 of 2017 in TCP No. 50/397-398/NCLT/MB/MAH/2016).

Company Appeal(AT) No. 342 of 2018

IN THE MATTER OF:

**The New Akot Cotton Ginning and
Pressing Company Limited & Others**

...Appellants

Vs

Shri Shyam Haribhau Sapkal & Ors.

....Respondents

Present:

**For Appellants: Mr. Hrishikesh Chitale, Mr. K.V. Balakrishnan,
Mr. S.M. Sundaram and Mr. Vijay Kari Singh,
Advocates.**

**For Respondents: Mr. Aayush Aggarwal, Advocate for Respondent
No. 1**

**Mr. Abhishek Aggarwal, Advocate for Respondent
No. 2**

**Mr. Ashutosh Gupta, Advocate for Respondent
Nos. 1 to 61**

**Mr. Anand Mishra, Advocate for Respondent No.
62.**

Judgement

Sudhansu Jyoti Mukhopadhyaya, J:

Shri Shyam Haribhau Sapkal and 60 others- Respondents (hereinafter referred to as Petitioners) filed a petition under Sections 397,398,399,402, 403 and 406 of the Companies Act, 1956 alleging oppression and mismanagement

against The New Akot Cotton Ginning & Pressing Company Ltd and 6 others- Appellants (hereinafter referred to as Respondents). The petition was filed on 23rd March, 2016 before erstwhile Company Law Board.

2. On constitution of National Company Law Tribunal, the matter was transferred to National Company Law Tribunal, Mumbai Bench, Mumbai (hereinafter referred to as 'Tribunal') whereinafter 10 Interlocutory Applications were moved by Kashinath Chingalal Lahariya and 9 others on 10th March, 2017 for their impleadment as party to the said petition.

3. The Tribunal taking into consideration the fact that the case is pending since 2016 and Interlocutory Applications were filed for impleadment after one year i.e., on 10th March, 2017 and that the Intervenors are necessary parties, refused to allow Intervention Applications. However, Advocate Mr. Rishi Sood, legal representatives of these Applicants was appointed as Amicus Curie in dispensation of the main Petition by impugned order dated 20th July, 2018. The Appellants- The New Akot Cotton Ginning & Pressing Company Ltd and others who were Respondents before the Tribunal, have filed this appeal challenging engagement of Mr. Rishi Sood, Advocate legal representatives of the Applicants as Amicus Curie to assist the Tribunal.

4. Learned Counsel appearing on behalf of Appellants submits that Mr. Rishi Sood, Advocate being legal representatives of the Applicants and since Applications were not entertained, should not have been engaged as Amicus Curie. It is further submitted that Mr. Rishi Sood, Advocate, being lawyer from Delhi whereas a lawyer from Mumbai should have been appointed as Amicus Curie.

5. However, such submission cannot be accepted as it is open to the Court to appoint any lawyer or individual as Amicus Curie for assistance of the Court/Tribunal.

6. For the reasons aforesaid, no relief can be granted. The appeal is dismissed. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

New Delhi

30th January, 2019

Akc