

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

NEW DELHI
COMPANY APPEAL (AT) NO.282 OF 2019

In the matter of:

A, Ramasubbu

Appellant

Vs

Anra Pharmaceuticals Pvt LTd & Ors.

Respondent

Mr. J. John, Advocate for Appellant.

Mr. Aditya Verma, Advocate for Respondent.

ORDER

02.12.2019- The appeal has been preferred by the appellant against the order dated 18.6.2019 of NCLT, Chennai.

2. Earlier this Tribunal in Company Appeal (AT) No.310 of 2017 vide order dated 13.11.2017 held that the petition filed by the appellant under Section 397 and 398 of the Companies Act, 1956 (under Section 241 of the Companies Act, 2013) be decided in accordance with law and on the question of maintainability. Thereafter the Tribunal by the impugned order held that “***Transfer Company Petition is accordingly dismissed with liberty to the Petitioner to proceed in accordance with law if any of the subsequent events making case under Section 241 of the Companies Act, 2013 causing prejudice to the Petitioner or to R1 Company as stated in section 241 of the Companies Act, 2013.***”

3. We have heard learned counsel for the parties. Learned counsel for the appellant submits that this petition has not been decided as yet on merit though there is continuing cause of action. Therefore, he submits that he may be given a liberty to file fresh petition.

4. However, he is not pressing this appeal on merit.

5. Learned counsel for the Respondent opposes the prayer.

6. We have considered the submissions. We found that the appellant could not get the order on merit. However, he has been prosecuting his case since long before Company Law Board, High Court and NCLT. In the present appeal the appellant is not disputing the findings of the NCLT, however, he wants that he may be given a liberty to file fresh petition.

7. Appeal is disposed of with a liberty to file fresh petition in accordance with law.

(Justice Jarat Kumar Jain)
Member (Judicial)

(Mr. Balvinder Singh)
Member (Technical)

(Dr. Ashok Kumar Mishra)
Member (Technical)

Bn/nn