

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 94 of 2020

IN THE MATTER OF:

Union of India, Ministry of Corporate Affairs

...Appellant

Versus

Delhi Gymkhana Club Ltd. & Ors.

...Respondents

Present:

For Appellant: K. N. Nataraj, ASG, Shri Sanjay Shorey, Director (Legal and Prosecution), Shri Shailesh Madiyal, Shri Vatsal Joshi, Shri Sughosh S. N., Shri Sudhanshu Prakash, Dr. Raj Singh, RD(NR), Mrs. Seema Rath, Shri Nagachandran, DD, Shri Parvez Naikwadi, AD, Ms. Kusum Yadav, AD.

For Respondents: Mr. Arun Kathpalia, Sr. Advocate with Gaurav M. Liberhan, Advocate.

With

Company Appeal (AT) No. 95 of 2020

IN THE MATTER OF:

Delhi Gymkhana Club Ltd.

...Appellant

Versus

Union of India, Ministry of Corporate Affairs & Ors.

...Respondents

Present:

For Appellant: Mr. Arun Kathpalia, Sr. Advocate with Gaurav M. Liberhan, Advocate.

For Respondents: K. N. Nataraj, ASG, Shri Sanjay Shorey, Director (Legal and Prosecution), Shri Shailesh Madiyal, Shri Vatsal Joshi, Shri Sughosh S. N., Shri Sudhanshu Prakash, Dr. Raj Singh, RD(NR), Mrs. Seema Rath, Shri Nagachandran, DD, Shri Parvez Naikwadi, AD, Ms. Kusum Yadav, AD.

ORDER
(Through Virtual Mode)

15.07.2020: These appeals arise out of common interim order dated 26th June, 2020 passed by National Company Law Tribunal, Principal Bench at New Delhi (in short 'Tribunal') in CP No. 71/2020 by virtue whereof the Tribunal has passed certain directions in terms of provisions of Section 242(4) of the Companies Act, 2013 after recording finding in respect of existence of prima facie case of mismanagement of the Company – Delhi Gymkhana Club Ltd. While, Union of India – the Appellant in Company Appeal (AT) No. 94 of 2020 banks upon finding rendered in respect of existence of prima facie case but is aggrieved of the relief granted, which according to it is not adequate enough for effectively managing the affairs of the Company, Delhi Gymkhana Club Ltd. – Appellant in Company Appeal (AT) No. 95 of 2020 is aggrieved of the finding and directions issued by the Tribunal which according to it are perverse.

Issue notice. Notices waived and accepted by learned counsel in both the appeals. Since parties are common in both the appeals and notices are waived by Respondents in both the appeals, the appeals preferred arising out of order passed in an interlocutory application, while the Company Petition is still pending adjudicating before the Tribunal, there is no need to ask the parties to file reply affidavits/ objection and the record of the Tribunal can be relied upon. It will be open to learned counsels for the parties to file relevant record which

has not been annexed with the appeal paper books, together with their written submissions and compilation of judgments.

Both appeals be set down for hearing together on **13th August, 2020 at 2:00 PM.**

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

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