

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) No. 129 of 2020

In the matter of:

AV Gopalakrishnan & Anr.

...Appellants

Vs.

K Balagangadharan & Ors.

...Respondents

Present:

**For Appellants: Mr. K. Parameshwar and Mr. Parvathy Vijayan,
Advocates.**

**For Respondents: Mr. Saiby Jose Kidangoor, Advocate.
Mr. Vinod V. Advocate for R-9, 10 and 11.**

ORDER

(Through Virtual Mode)

04.09.2020: Heard the Learned Counsel for the Appellant on I.A. No. 1988 of 2020 - Application for Condonation of delay. Learned Counsel for the Appellants submits that Appellants were not the Party before the, National Company Law Tribunal and they came to know about the Impugned Order on 26.06.2020, when they received the Notice of another appeal along with the copy of the Impugned Order. Therefore, delay in filing the Appeal is bona fide. Hence it be Condoned.

After due consideration we allowed the Application and Condoned the delay.

Heard on I.A. No. 1893 of 2020 - Application for exemption for filing the Certified Copy of the Impugned Order.

After due consideration the Application is allowed.

Heard the Learned Counsel for the Appellant on the question of Admission. Learned Counsel submits that they are the necessary party in Company Petition. However, they were not made party and erroneously, the shareholding pattern of the Company as existed in the year 2009 is disturbed without giving an opportunity of hearing to the Appellants. Learned Counsel for the Appellants submits that the Impugned Order is also challenged in Company Appeal (AT) Nos. 80 and 81 of 2020. Therefore, this Appeal may be heard along with these Appeals. He further submits that he has served advance copy of the Appeal on the Counsels of these Appeals.

Learned Counsels appearing on behalf of the parties in above referred Appeals accept Notice of this Appeal.

The Appellant Counsel is directed to provide copy of Appeal Paper Book along with the Papers to Respondent Counsels. Respondent Counsels may file Reply Affidavit within two weeks.

However, Respondent No. 14 is unrepresented. Let notice be issued to Respondent No. 14 by speed post. Requisite alongwith process fee, if not filed, be filed before 9th September, 2020. If the Appellant provides the e-mail address of the Respondent No. 14, then notice be issued through e-mail also.

In Company Appeal (AT) No. 80 of 2020 the pleadings are completed. In Company Appeal (AT) No. 81 of 2020, as prayed, Learned Counsel for the Appellant is allowed to file Rejoinder within two weeks.

The Registry is directed to list this Appeal along with Company Appeal (AT) Nos. 80 and 81 of 2020 on **7th October, 2020**.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Balvinder Singh]
Member (Technical)

sr/nn