

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

**Company Appeal (AT) No. 295 of 2017**

**IN THE MATTER OF:**

**R. Swarup Reddy**

**... Appellant**

**Versus**

**M.N. Pratap Reddy & Ors.**

**... Respondents**

**Present: Shri S. Santhanam Swaminadhan, Advocate for the Appellant.**

**Shri G. Srinivas, Advocate for Respondents Nos. 1 and 2.**

**Shri G.V. Rao, Chartered Accountant for Respondent No.7.**

**ORDER**

**17.11.2017** Heard learned counsel for the appellant and learned counsel for Respondents Nos. 1 and 2 as well as Chartered Accountant appearing on behalf of Respondent No. 7-‘Brahmayya & Co.’, which has been impleaded in view of order dated 7<sup>th</sup> November, 2017.

Perused the impugned order dated 18<sup>th</sup> July, 2017. The learned National Company Law Tribunal, Bengaluru Bench (hereinafter referred to as ‘NCLT’) had directed deposit of half of the fees of Rs. 36 Lakhs (i.e. Rs. 18 Lakhs) and said that balance of fees payable will be decided by passing separate order. NCLT directed the Auditor to complete the Audit work.

Rs. 5 Lakhs have already been paid. The impugned order shows that the learned NCLT has heard the parties regarding the fees claimed by Respondent No. 7. It would be appropriate that the learned NCLT takes

a final decision on the fees to be paid. The Chartered Accountant of Respondent No. 7 submits that he will be able to submit the final Audit Report by the end of this month. The learned NCLT would naturally take a final decision considering the efforts put in by the Auditor regarding the fees.

We do not think that in the present impugned order, which was more interim in nature, we should take a decision, in this appeal.

Leaving all the questions open, the present appeal is disposed of.

[Justice A.I.S. Cheema]  
Member (Judicial)

[Balvinder Singh]  
Member (Technical)