

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 93 of 2019

IN THE MATTER OF:

Devendra Kumar Aggarwal & Ors.

...Appellants

Versus

Prayag Polytech Pvt. Ltd. & Ors.

...Respondents

Present:

For Appellants : **Mr. Mohit Chaudhary and Ms. Garima Sharma,
Advocates**

For Respondents: **Mr. Virender Ganda, Senior Advocate**

O R D E R

10.04.2019 The Appellant (Petitioner) has already preferred a petition under Section 241 and 242 of the Companies Act, 2013 in C.P. No. 89/242-242/JPR/2018 before the National Company Law Tribunal (**'Tribunal'** for short) Jaipur Bench. In the said petition, the petitioner filed an Interlocutory Application seeking direction against the respondent for suspension of Respondent No. 5 in respect of operation of the bank accounts. The Tribunal by the impugned order dated 22nd February, 2019 while taking into consideration the provisions of Section 243 of the Companies Act, 2013 directed that all the decisions which have taken where Respondent No. 5 – 'Mr. Manish Aggarwal' is a part of the Resolution passed by the Board will be subject to the decision of the Tribunal in the main Company Petition.

Having heard Mr. Mohit Chaudhary, learned counsel for the Appellant and Mr. Virender Ganda, learned Senior Counsel appearing on behalf of the Respondent, we find no ground to interfere with the impugned order.

It is informed by the learned counsel for the Appellant that the matter is pending since 2018. In this background, the parties are directed not to ask for unnecessary adjournments, nor will file the repeated Interlocutory Applications and will co-operate with the Tribunal for an early disposal.

The appeal is dismissed with aforesaid observations and directions. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

/ns/gc