

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 96 of 2020

In the matter of:

**Aqua Terra Adventures India Pvt.
Ltd. & Anr.**

....Appellants

Vs.

Aparna Choudhrie Kala & Ors.

...Respondents

Present

**For Appellants: Mr. Prashanto Sen, Sr. Advocate alongwith Mr. Nitish
K. Sharma.**

**For Respondents: Mr. Ashish Dholakia, Advocate.
Mr. Rohan Chawla, For R-1.**

ORDER

(Through Virtual Mode)

12.10.2020: Heard Counsel for the Appellants and Counsel for the Respondents. The Counsel for the Appellants says that Application for clarification/ modification has been filed before the NCLT, Principal Bench, New Delhi with regard to the present Impugned Order which is in Appeal and the said Application is coming up before NCLT on 29th October, 2020.

Counsel for the Respondents Mr. Ashish Dholakia submits that keeping in view the provision of Section 420 of the Companies Act, 2013 and the settled position of law, when any Order is already in Appeal before the higher forum, the Trial Court/ Original Court cannot clarify or modify the concerned Impugned Order.

At this stage, without going into the issue, we are adjourning the matter on the request of the Counsel for Appellant. On next date of 'Hearing' we

would like to first hear the Counsels for Parties on this aspect and then we will proceed to hear the merits of the Appeal, simultaneously.

List the Appeal **'For Admission (After Notice)' 'Hearing'** on **24th November, 2020.**

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

[Dr. Ashok Kumar Mishra]
Member (Technical)

Sim/md