

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 201 of 2019

IN THE MATTER OF:

M/s. Comfort Intech Ltd.

.....Appellant

Vs.

M/s. Ravi Kumar Distilleries & Ors.

.....Respondents

Present :

For Appellant: Mr. V.Seshagiri, Ms. Shubhangi Mehrishi, Mr. Siddharth Sacchar, Advocates

For Respondents: Mr. Ravi Raghunath, Ms. Aakashi Lodha, Advocates for R-1 & 2

O R D E R

01.08.2019 - The question arises for consideration in this appeal is whether for passing order u/s 213 of the Companies Act, 2013 in a petition u/s 241 and 242 of the Companies Act, the '*Tribunal*' was required to frame *prima facie* opinion and give a notice to the Appellant before referring the matter for investigation u/s 213 of the Companies Act.

2. Let notice be issued on Respondent.

....contd.

3. Mr. Ravi Raghunath, learned counsel accepts notice on behalf of Respondent No. 1 and 2. Learned counsel for the Appellant will serve a copy of paper-book on him in course of the day.

4. Learned counsel for Respondent prays for and is allowed ten days' time to file reply-affidavit. Rejoinder, if any, may be filed by the Appellant within ten days thereafter.

5. Let notice be issued on rest of the Respondents by speed post. Requisite along with process fee be filed by 2nd August, 2019. If the appellant provides the e-mail address of the respondent, let notice be also issued through e-mail.

Post the case for 'admission' on **29th August, 2019** along with Company Appeal (AT) No. 185/2019 before the first Bench.

6. The appeal may be disposed of at the stage of admission.

7. During the pendency of the Appeal, the Impugned Order dated **11th June, 2019** shall remain stayed.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)