

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 02 of 2021

IN THE MATTER OF:

Santosh Kumar Bhoot & Anr.

...Appellants

Versus

Naval Kumar Bhoot & Ors.

...Respondents

Present: -

For Appellant: Mr. Anuj Tiwari, Advocate

For Respondent: Mr. Surjan Singh Shekhawat, Advocate for R-1.

ORDER
(Virtual Mode)

11.01.2021 Heard Learned Counsel for the Appellant, he submits that the Respondent No. 1 has filed the Petition, for following relief.

“(a) To declare Mr. Santosh Kr. Bhoot and Mr. Narendra Kr. Bhoot, as disqualified Directors under Section 164 (2) (a) and have vacated their office under Section 167 of the Companies Act, 2013.

(b) To appoint Applicant Mr. Naval Kr. Bhoot and Mr. Vishnu Prasad Sankle or any other two independents persons as Director of the Respondent No. 3.”

In this matter the Tribunal without any notice to the Appellants i.e. Mr. Santosh Kr. Bhoot and Narendra Kr. Bhoot, passed the impugned order which is erroneous.

Learned Counsel for the Respondent Mr. Surjan Singh accept notice on behalf of the Respondent No. 1.

Learned Counsel for the Respondent No. 1 submits that in the title of the Petition Mr. Naval Kr. Bhoot is shown as Respondent No. 1 however the

allegations in the Memo of Appeal are against the Respondent No. 4. It seems that there is some typographical misstate occurred.

At this juncture, Learned Counsel for the Appellant submits that he may be permitted to make necessary corrections in the Memo of Appeal. He is allowed to do so.

Learned Counsel for the Appellant submits that he has also filed the Application for staying of impugned order.

We direct the parties to maintain the Status Quo till next date of hearing.

Notice be served on Respondent Nos. 2, 3 & 4. Requisite alongwith process fee, if not filed, be filed by tomorrow. If the Appellant provides the e-mail address of the Respondent, let Notice be also issued through e-mail.

It is also directed to serve the copy of this order on the Respondent Nos. 2 to 4. The Respondent No. 1 may file their Reply Affidavit within two weeks.

Learned Counsel for the Appellant is directed to obtained the Copy of CP No.3852 of 2019 from the NCLT, Mumbai and file the same before next date.

Let the matter be fixed on **16th February, 2021.**

**[Justice Jarat Kumar Jain]
Member (Judicial)**

**[Balvinder Singh]
Member (Technical)**

SC/kam.

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