

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 07 of 2020

IN THE MATTER OF:

Ashish Mohan Gupta

... Appellant

Versus

Hind Motors Ltd. (In Liquidation) & Ors.

...Respondents

Present:

For Appellant : Mr. Sandeep Bajaj, Ms. Aakanksha Nehra and Ms. Aditi Pundhir, Advocates

For Respondents : Mr. Krishan Vrind Jain, Mr. Kamal Satija and Mr. Savar Mahajan, Advocates for R-1 to R-3

ORDER

(Through Virtual Mode)

13.10.2020 From perusal of referral order dated 10th January, 2020 passed by the Division Bench of this Appellate Tribunal it appears that the reference has emanated out of an opinion formed by the Bench that the decision rendered by this Appellate Tribunal in '**Rasiklal S. Mardia vs. Amar Dye Chem & Ors.**' in 'Company Appeal (AT) No. 337 of 2018 decided on 8th April, 2019 is in conflict with other judgment of co-ordinate Bench of this Appellate Tribunal, particulars whereof are not given in the referral order. Mr. Sandeep Bajaj, Advocate representing the Appellant submits that he has not been able to lay his hands upon any judgment which conflicts with the decision rendered in 'Rasik Lal's case (Supra).

Since absence of a decision in conflict with the decision in Rasik Lal's case would render this reference incompetent, we request the learned counsel for the Appellant to make more efforts to find out whether there is a conflicting decision warranting reconsideration of decision in Rasik Lal's case.

Let the matter be listed 'for Admission (Fresh Case)' on **19th November, 2020.**

**[Justice Bansi Lal Bhat]
Acting Chairperson)**

**[V. P. Singh]
Member (Technical)**

**[Shreesha Merla]
Member (Technical)**

/ns/gc/