

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) No. 346 of 2019**

**IN THE MATTER OF:**

**Rahat Gupta**

**.....Appellant**

**Vs.**

**Sandhya Gupta & Ors.**

**.....Respondents**

**Present :**

**For Appellant: Kushagra Bansal, Advocate**

**For Respondents: Mr. Abhinav Goyal, Mr. Praful Jindal, Mr. Kushank  
Sindhu, Advocates**

**O R D E R**

**04.12.2019** - The Appellant filed an application u/s 241-242 of the Companies Act alleging oppression against the other Members of the Company. The 'National Company Law Tribunal' taking into consideration the fact that the Appellant was not a "Member" on the date when the application was filed dismissed the petition being not maintainable. This issue was raised in instant appeal.

Learned Counsel for the Appellant submits that the Appellant will not press the appeal on merit but this Appellate Tribunal may set aside the cost imposed by the Tribunal. However, it is opposed by Mr. Abhinav Goyal, Learned Counsel appearing on behalf of Respondent.

**....contd.**

Having heard learned counsel for the parties, we allow the Appellant to withdraw the appeal being not pressed to set aside the imposition of cost of Rs. 1 lakh as imposed by impugned order.

The appeal stands disposed of with aforesaid observations.

[Justice S. J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)

[Justice Venugopal M.]  
Member (Judicial)

ss/sk

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