

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 03 of 2019

IN THE MATTER OF:

Richa Kar & Anr.

...Appellants

Vs.

Actoserba Active Wholesale Pvt. Ltd. & Ors.

...Respondents

Present: For Appellants: - Mr. Nikhil Nayyar, Mr. Arun Srikumar, Mr. Kaustav Saha and Mr. Naveen Hegde, Advocates.

For Respondents:- Mr. Vikram Hegde, Advocate for R-1.

Mr. Arun Kathpalia, Senior Advocate with Mr. Saransh Jain and Mr. Nithin Pavulluri, Advocates for R2-4 and R7-12.

Mr. Ashim Sood, Ms. Anuradha Agnihotri and Ms. Aanchal Kapoor, Advocates for R6- R14.

ORDER

11.01.2019— This appeal has been preferred by the Appellant against the order dated 11th December, 2018 passed by the National Company Law Tribunal, Bengaluru Bench, Bengaluru, whereby and whereunder the application under Section 8 of the Arbitration & Conciliation Act, 1996 preferred by the Respondents has been referred to Arbitrator.

2. In the case of ***“Thota Gurunath Reddy and Ors. v. Continental Hospitals Pvt. Ltd. & Ors.— Company Appeal (AT) No. 160 of 2017; [2018] 209 CompCas 518”***, this Appellate Tribunal has already held that against the reference of the arbitration, no appeal lies before this Appellate Tribunal under Section 421 of the Companies Act, 2013.

Contd/-.....

Following the decision of the **“Thota Gurunath Reddy and Ors. v. Continental Hospitals Pvt. Ltd. & Ors.”** (Supra), we dismiss the appeal being not maintainable. No cost.

We have mentioned that we have not expressed any opinion with regard to the merits of the case which may be raised before the appropriate jurisdiction.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/g