

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 214 of 2017

IN THE MATTER OF:

City Hospital Pvt. Ltd & Anr.Appellants

Vs

Mohan Paul & Ors.Respondents

Present: For Appellants: Ms. Rohini Musa, Advocate

For Respondents: Shri T. K. Shajahan, Advocate R-1

ORDER

10.10.2017: This appeal has been preferred by appellants against order dated 7th June 2017 passed by National Commission Law Tribunal, Chennai Bench, Chennai (hereinafter referred to as 'Tribunal') in TCP No. 226 of 2016 (C.P. No. 2 of 2015). By the impugned order, the application preferred by respondent Mohan Paul under Section 111A of the Companies Act, 1956 (now Section 59 of the Companies Act, 2013) has been allowed and cost of Rs.50,000/- have been imposed on the 1st Appellant.

2. On 1st July 2017, the Appellate Tribunal on consideration of the merits of the appeal and on hearing the learned counsel for the appellant issued limited notice on the respondent insofar it relates to imposition of cost. The order dated 12th July 2017 reads as follows:-

“On hearing the appellant, we find that the appellant will otherwise not be affected, if the 45 numbers of equity shares issued in the name of the first respondent/ petitioner. However, we issue limited notice on respondents in so far it relates to imposition of the

cost on the appellant. Requisite along with process fees, if not filed, be filed by tomorrow i.e. 13th July, 2017. If the appellants provide e-mail address of the respondents, let notice be also issued through e-mail.

Post the matter on 25th July, 2017. In the meantime, the imposition of cost of Rs.50,000/- as imposed on the appellant by the impugned order shall remain stayed.”

Learned counsel appearing on behalf of 1st Respondent submits that the order of the Tribunal has been complied by appellant in its letter and spirit. Respondents have no say in the matter of imposition of cost.

Having heard the learned counsel for the parties and taking into consideration that the appellant has already complied with the order passed by the Tribunal, while we affirm the impugned order on merit set aside last portion of the impugned order dated 7th June 2017 so far as it relates to imposition of cost of Rs.50,000/- on the appellant. The appeal is allowed to the extent above.

(Justice S. J. Mukhopadhaya)
Chairperson

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

(Balvinder Singh)
Member (Technical)

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