

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 206 of 2020

In the matter of:

Hemant Khandelwal & Ors.

....Appellants

Vs.

Niho Construction Ltd. & Ors.

....Respondents

Present

For Appellants: Mr. Abhijeet Sinha, Mr. Sumeet Kaul & Mr. Shankari Mishra, Advocates.

For Respondents: Mr. Kumar Anurag Singh, Mr. Ishaan Mukherjee & Mr. Zain Khan, For R-1 & 2.

ORDER
(Virtual Mode)

11.11.2020: Learned Counsel for the Appellants submits the grounds inter-alia that the Tribunal has earlier passed an Order for the inspection of the 'Books of Accounts'. However, the Respondents have not provided the same for inspection and subsequently, by the Impugned Order the Learned Tribunal has erroneously withdrawn the Order of inspection of Books of Accounts. Which is against the Section 128 of Companies Act, 2013.

Learned Counsel Shri Kumar Anurag Singh is appearing on Caveat on behalf of the Respondent No. 1 & 2. He is accepting the 'Notice' on behalf of Respondents No. 1 & 2. The Caveator is discharged. There is no need to send the Notices to these Respondents.

Learned Counsel for the Appellants submits that they have already served the Advance Notice to all the Respondents. However, nobody is present on behalf of the Respondent No. 3 to 10. Learned Counsel for the Appellants submits that there is a specific allegation against the Respondent No. 10. Therefore, personal service on Respondent No. 10 is necessary.

Let Notice be issued to Respondent No. 10 by speed post. Requisite alongwith process fee, if not filed, be filed by tomorrow. If the Appellant provides the e-mail address of the Respondent No. 10, then notice be issued through e-mail also.

Respondents may file 'Reply Affidavit' within ten days. Let the matter be fixed on **26th November, 2020**.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Balvinder Singh]
Member (Technical)

Sim/ RR