

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. Nos. 2640 & 3210 of 2019

In

Company Appeal (AT) No. 57 of 2019

IN THE MATTER OF:

Atlas Cycles (Haryana) Ltd. & Ors.

...Appellants

Versus

Mr. Vikram Kapur & Ors.

...Respondents

Present :

For Appellants:

**Mr. Sudhir K. Makkar, Senior Advocate with
Ms. Saumya Gupta, Advocate**

ORDER

06.02.2020 We have already passed order on 24th October, 2019, which reads as follows:

“24.10.2019 The Appeal having already been disposed of, Dr. U.K. Chaudhary, Senior Advocate appearing on behalf of Vikram Kapur and Ors. sought permission to withdraw the Interlocutory Application No.3210 of 2019. He intends to argue on the question of referring the mater to Mediator in Interlocutory Application No.2640 of 2019. It is submitted that the dispute relates to the members of the family and Company Petition is pending since long and in view of the subsequent development relating to sale etc., the matter should be referred to Mediator without any condition. As the Company Petition is pending since 2015

and there is no likelihood of immediate disposal of the same, learned Counsel appearing for the Atlas Cycles (Haryana) Ltd. & Ors. - contesting parties submits that they have no objection, if matter is referred for Mediation without any condition. In the facts and circumstances and in exercise of power conferred by Section 442 of the Companies Act, 2013 r/w Rule 11 of the National Company Law Appellate Tribunal Rules, 2016 and as suggested, we appoint Hon'ble Mr. Justice Kurian Joseph, former Judge of the Supreme Court of India as Mediator. The parties will contact the Hon'ble Judge, fix the fee etc. and obtain consent. Thereafter, they will report to this Appellate Tribunal. It is made clear that this Appellate tribunal has not made any condition for Mediation, which Hon'ble Judge will decide after hearing the parties. All contentions should be open to the parties. If Mediation succeeds, it will have no effect on the decision of this Appellate Tribunal, but the Company Petition pending before the Tribunal may be closed in terms of Mediation."

2. Mr. Sudhir K. Makkar, Learned Senior Counsel submits that his clients have no knowledge about the development and the Hon'ble Mediator had certain meetings with the different family groups and the matter has been in deliberation.

3. In the circumstances, no further order is required to be passed. If the mediation succeeds, the parties may bring the same to the notice of the Adjudicating Authority, which will consider the same and pass appropriate order.

I.A. Nos. 2640 & 3210 of 2019 stands disposed of.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansilal Bhat]
Member (Judicial)

/ns/gc/