

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 66 of 2018

IN THE MATTER OF:

M/s. Vis-Ram Financial Services Pvt. Ltd. ...Appellant

Vs.

M/s. Metafilms (India) Ltd. & 33 Ors. ...Respondents

Company Appeal (AT) No. 67 of 2018

IN THE MATTER OF:

M/s. Vis-Ram Financial Services Pvt. Ltd. ...Appellant

Vs.

M/s. Metafilms (India) Ltd. & 33 Ors. ...Respondents

**Present: For Appellant: - Mr. S. Santanam, Mr. Swaminadhan and
Mr. Arnav Dash, Advocates.**

ORDER

05.03.2018— The Appellant has challenged the order dated 6th February, 2018 passed by National Company Law Tribunal (hereinafter referred to as (“Tribunal”), Chennai Bench, which reads as follows:

“Counsels for both the parties are present. The order dated 22.01.2018 indicates that Counsels for both the

Contd/-.....

*parties prayed for time to file written submissions. Counsel for the Respondent filed the written submissions. But the Counsel for the Petitioner has not filed the written submissions and has prayed for more time to file written submissions. As seen from the previous orders, sufficient opportunities have been granted to the Counsel for the Petitioner for filing the written submissions, but till date even after availing the opportunities, the written submissions have not been filed. Therefore, the right to file written submissions stands forfeited. Matter is **reserved for order.***”

2. In the other appeal, the Appellant has challenged the order dated 20th February, 2018, issued by the Deputy Registrar, NCLT, Chennai Bench, which reads as follows: -

“The Counsel for the Petitioner has filed an application for reopening of the Petition to receive written submissions with verifying affidavit and documents relied upon. The copy of the Application has also been sent to the common counsel for the Respondents 1 – 31 and R-33 by speed post and Counsel for R-32 has been

served in person and R-34 is set ex-parte by the Tribunal.

The above matter was reserved for orders on 6-2-18. The Counsel for Petitioner has mentioned in his letter dated 12-2-2018 that he has mentioned individually to the Judicial Member in Court Hall-1 and the Hon'ble Technical Member in Court Hall-2 seeking permission to list the matter for consideration of the application proposed to be filed. 3 copies of the written submissions have also been annexed with the application.

As per the interim order dated 6-2-2018, the right to file the written submission is forfeited for the petitioners and also the matter is reserved for orders.

In the said circumstances, the application filed by the petitioner is not maintainable. As the matter is reserved for orders, the petitioner may file appeal before the NCLAT for seeking appropriate reliefs.

This issues with the approval of the Competent authority.”

3. One of the appeals against the order of the Tribunal is maintainable, but the appeal being frivolous we intended to dismiss the appeal. The other appeal having preferred against the order of the Deputy Registrar, NCLT, Chennai being not maintainable. We intended to impose the cost in both the appeals. In this background, after some arguments, learned counsel appearing on behalf of the Appellant sought permission to withdraw both the appeals. Prayer is allowed but without any liberty to challenge the same very impugned order(s). Both the appeals are dismissed as withdrawn but without cost.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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