

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT)No. 181 of 2019**

**IN THE MATTER OF:**

**Wayne-Burt Petro Chemicals Pvt. Ltd. & Anr.**

**.....Appellant**

**Vs.**

**Chain Tools & Products Pvt. Ltd. & Ors.**

**.....Respondents**

**With**

**Company Appeal (AT)No. 183 of 2019**

**IN THE MATTER OF:**

**Wayne-Burt Petro Chemicals Pvt. Ltd. & Anr.**

**.....Appellant**

**Vs.**

**Chain Tools & Products Pvt. Ltd. & Ors.**

**.....Respondents**

**Present :**

**For Appellant:**

**Mr. Arun Kathpalia, Sr. Advocate with Mr. Ranjan Kumar Pandey, Mr. Ritwik Sampat, Mr. Sandeep Bisht, Mr. Anuj Tiwari, Ms. Bani, Mr. Shikhar Shrivastava, Advocates**

**O R D E R**

**12.07.2019 -** Heard learned counsel for the Appellant and being satisfied with the ground, delay of 44 days in refiling the appeal is hereby condoned in Company Appeal (AT)No. 181 of 2019. I.A. No. 2155 of 2019 stands disposed of.

**....contd.**

One of the question arises for consideration in this appeal is whether for determining the eligibility of a person in terms of Section 244 of the Companies Act, 2013 to maintain an application u/s 241 and 242 of the Companies Act, 2013, it is open to the Tribunal to hold the petition maintainable on the sole ground that the matter relates to 'call money', even though the person may not be eligible in terms of Section 244 of the Act, 2013.

Let notice be issued in both the appeals on the Respondents by speed post. Requisite along with process fee, if not filed, be filed by 15<sup>th</sup> July, 2019.

Post both these appeal(s) for 'admission' on **20<sup>th</sup> August, 2019**.

Until further orders, the proceedings in CP No. 110/2019 shall remain stayed.

[Justice S. J. Mukhopadhaya]  
Chairperson

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

[Kanthi Narahari]  
Member (Technical)

ss/gc