

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 04 of 2021

IN THE MATTER OF:

Shetal Devang Gor & Ors.

...Appellants

Versus

Gujarat Cine Enterprises Pvt. Ltd. & Ors.

...Respondents

Present:

For Appellants: Mr. Ramji Srinivasan, Sr. Advocate with Ms. Astha Mehta, Mr. Ravi Pahwa, Mr. Shivkrit Rai, Ms. Rajshree Choudhary and Mr. Helly Parikh, Advocates.

For Respondents: Mr. Karan Valecha and Mr. Bhavesh Chokshi, Advocates for R-1 to 8.

ORDER
(Through Virtual Mode)

18.01.2021: One of the issues raised in this appeal filed against impugned order dated 18th December, 2020 passed by the National Company Law Tribunal, Ahmedabad Bench, Ahmedabad dismissing the application under Section 241/242 of Companies Act, 2013 is that the findings are erroneous. Shri Ramji Srinivasan, Sr. Advocate representing the Appellants submits that the NCLT has erred in holding that the acts of Appellant's father are oppressive and burdensome, whereas allegations in the Company Petition required the NCLT to go into the question whether acts of Respondent are oppressive or not. He further submits that the finding is contrary to judgment of this Appellate Tribunal in '*Jaideep Halvasiya vs. AA Infraproperties Private Limited & Ors.*' and decision of Hon'ble Apex Court in '*Kamal Kumar Dutta & Anr. vs Ruby General Hospital Ltd. & Ors.*'

Cont'd...../

Issue notice upon Respondents. Mr. Bhavesh Chokshi, Advocate alongwith Mr. Karan Valecha, Advocate accepts notice on behalf of Respondent No. 1 to 8. No further notice needs to be issued on these respondents. Respondent Nos. 1 to 8 may file their reply affidavits within two weeks. Rejoinder thereto, may be filed by the Appellant within two weeks thereof. Short written submissions, not exceeding three pages, together with compilation of relevant judgments may also be filed by the parties alongwith their pleadings.

Let notice be issued on Respondent No. 9 only. Appellant to provide mobile Nos./e-mail address of the Respondent No. 9. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within two days.

Let the appeal be come up 'for admission (after notice)' on **19th February, 2021** before Court No. IV.

Till next date of hearing the status quo as obtained shall continue.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

**[Dr. Alok Srivastava]
Member (Technical)**

am/gc