

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

**Company Appeal (AT) No. 287 of 2019**

**&**

**I.A No. 3313 of 2019**

**IN THE MATTER OF:**

**Mr. Mahendra G. Wadhvani**

**...Appellant**

**Versus**

**M/s Reed Relays & Electronics India Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellant: Mr. Virendra Ganda, Sr. Advocate with Mr. Vipul Ganda and Ms. Shreya Jain, Advocates.**

**For Respondent: Mr. Delep Goswami, Mr. Aanchal Nichani and Mr. Anirrud Goswami, Advocates for Respondent No. 1.**

**Mr. Abhishek Baid, Advocate for Respondent No. 2.**

**Mr. Goutham Shivshankar, Mr. Pawan Jabakh and**

**Mr. Eshwar Sabapathy, Advocates.**

**O R D E R**  
**(Virtual Mode)**

**22.09.2020** Earlier in this dispute, the Ld. National Company Law Tribunal, Division Bench, Chennai had passed an order dated 4<sup>th</sup> October, 2017 (at Annexure- 5 of the Appeal Paper Book) consisting of Hon'ble Ch. Mohd. Sharief Tariq, Member (Judicial) and Hon'ble S. Vijayaraghavan, Member (Technical) in CP/21/66(1)/CB/2017.

Against that order, when the Company Appeal (AT) 337 of 2017 came up before this Tribunal, the order passed by this Tribunal in para 46 of the Judgment (page 351 @ page 370) reads as under: -

*“46. In view of the above discussions, we are not giving our judgement/decision on the other various issues/counter issues raised by the parties in the appeal. The impugned order dated 4.10.2017 passed by the Tribunal is set aside. The matter is remanded back to the Tribunal to re-hear the matter,*

*NCLT shall take into consideration the affidavit dated 18.9.2017 of Respondent No.3 and after giving due opportunity to all the parties to argue on the same, decide the Company Petition expeditiously in terms of Section 422 of the Companies Act, 2013. Earlier evidence will also be evidence in the cause. The parties are also given opportunity to argue on the other issues as well before the Tribunal. No order as to cost.”*

The order was maintained by Hon’ble Supreme Court of India in Civil Appeal No. 6117/18 (Annexure -6). Thereafter, the matter had gone back to the Ld. NCLT, Chennai.

Subsequently, Single Bench consisting of Hon’ble Ch. Mohd. Sharief Tariq, Member (Judicial) has passed the impugned order dated 18.09.2019 observing in Para 11 of the Judgment that the Tribunal is of the opinion that the earlier order passed on 04.10.2017 does not warrant any modification.

Mr. Virendra Ganda, Sr. Advocate is questioning the propriety of such impugned order passed by Single Judge, holding that order dated 04.10.2017 requires no modification, which order has actually been set aside.

Before going in to the merits of the order, we would like the parties to address us on the Propriety of the procedure followed for passing of the impugned order, and if Impugned Judgment confirming earlier Order which was set aside can be said to be appropriate.

Parties may file brief Written-Submission not more than five pages on point raised and merits before the next date.

The Appeal will not be treated as Part-Heard.

List the Appeal 'For Admission (After Notice)' hearing on **13<sup>th</sup> October, 2020.**

Interim order to continue.

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

**[Justice Anant Bijay Singh]  
Member (Judicial)**

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