

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 312 of 2018

IN THE MATTER OF:

Prakash Pralhad Chhabria & Anr.

...Appellants

Versus

Deepak Kishan Chhabria & Ors.

...Respondents

Present:

For Appellants:

**Mr. Sudipto Sarkar and Mr. S. N. Mukherjee,
Senior Advocates assisted by
Mr. Kunal Mehta, Mr. Shikhil Suri, Advocates**

For 1st and

2nd Respondent:

**Mr. U.K. Chaudhry and Mr. Arun Kathpalia,
Senior Advocates assisted by
Mr. Rohit Gandhi, Ms. Sushmita Gandhi, Ms.
Amrita Narayan and Mr. Abhirup Das Gupta**

ORDER

11.09.2018 The Appellants–Respondents have challenged the order dated 20th August, 2018 passed by the National Company Law Tribunal, Mumbai Bench, Mumbai, which reads as follows:

- “1. *The Learned Representatives of both the sides are present.*
2. *The matter is adjourned to 06.09.2018 at 12.00 Noons.”*

In absence of any specific finding given by the Tribunal, we are not inclined to interfere with the impugned order.

However, it is informed that the Appellants-Respondents have filed an application relating to maintainability of the petition under Section 241 and 242 of the Companies Act, which have already been heard by the Tribunal on number of dates and the order was reserved, but without deliberating the issue all the time case is adjourned. Learned counsel appearing on behalf of the respondents also accepts that hearing on the question of maintainability has already taken place. However, they denied the averment as made in the appeal.

Having heard learned counsel for the parties and taking into consideration the nature of the case and the fact that Tribunal had already heard the question of maintainability for number of dates and order has been reserved while we are not inclined to decide any issue direct the Tribunal to pass the specific order on '*M.A. No. 645 of 2017*' in one or other way within two weeks.

The appeal stands disposed of with aforesaid direction. Office is directed to communicate a copy of this order to National Company Law Tribunal, Mumbai Bench, Mumbai.

[Justice S.J. Mukhopadhaya]
Chairperson

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

/ns/gc/