

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

**Company Appeal (AT) No. 245 of 2019**

**IN THE MATTER OF:**

**Shree Balaji Valves Pvt. Ltd. & Anr. ...Appellants**

**Vs.**

**Sangeeta Sureka & Anr. ...Respondents**

**Present: For Appellants: - Mr. Abhijeet Sinha, Ms. Anusuya Sadhu Sinha, Mr. Shubhankar and Mr. Saikat Sarkar, Advocates.**

**For Respondents: - Mr. Manju Aggarwal and Mr. Ankit Kohli, Advocates for R-1.**

**Mr. Shambhu Nandi, Advocate for R-2.**

**O R D E R**

**25.10.2019—** This appeal has been preferred by the Appellant against the order dated 9<sup>th</sup> August, 2019 passed by the National Company Law Tribunal ("Tribunal" for short), Kolkata Bench, whereby and whereunder, Mr. Yash Sureka (2<sup>nd</sup> Appellant herein/ 2<sup>nd</sup> Respondent) was directed to allow Ms. Sangeeta Sureka to enter into the factory premises/ office and allow her to inspect the books of account and other relevant documents.

2. There being a family dispute, we wanted to refer the matter for mediation. However, since one of the party has not agreed for mediation, we intended to hear the appeal on merit.

Contd/-.....

3. At this stage, Ms. Manju Aggarwal, learned counsel appearing on behalf of Ms. Sangeeta Sureka (1<sup>st</sup> Respondent herein/ Petitioner) submitted that the interim order dated 9<sup>th</sup> August, 2019 may be vacated/ set aside and matter may be remitted to the Tribunal to decide the question of maintainability of the petition under Sections 241-242 of the Companies Act, 2013 as raised by the Appellant and thereafter if it is decided in favour of the Applicant- Ms. Sangeeta Sureka (1<sup>st</sup> Respondent herein/ Petitioner), then to consider the application for grant of interim relief.

4. The other parties have no objection to such suggestion. In the circumstances, we allow the Appellants to file petition questioning the maintainability of the petition by 5<sup>th</sup> November, 2019, failing which the Tribunal will decide the main petition on merit including the petition for interim relief filed by the Applicant- Ms. Sangeeta Sureka (1<sup>st</sup> Respondent herein),

5. In view of such stand taken by the learned counsel for Ms. Sangeeta Sureka (1<sup>st</sup> Respondent herein/ Petitioner) and as agreed by counsel for the Appellant, we set aside the interim order dated 9<sup>th</sup> August, 2019 and remit the matter to the Tribunal to decide the petition questioning the maintainability of the application under Sections 241-242 of the Companies Act, 2013. The Tribunal will decide the same after hearing the

parties and if it is decided in favour of Ms. Sangeeta Sureka (1<sup>st</sup> Respondent herein/ Petitioner), then it will re-consider the petition for grant of interim relief as preferred by Applicant- Ms. Sangeeta Sureka (1<sup>st</sup> Respondent herein) and pass appropriate order.

The appeal stands disposed of with aforesaid observations and directions. No costs.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Venugopal M)  
Member(Judicial)

(Justice Jarat Kumar Jain)  
Member(Judicial)

Ar/g