

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 213
CP-13(ND)/2016

Contt. Pett.-08(ND)2023, Contt.Pett.-02(ND)2021
CA- 43/2020, CA- 1603/2019, CA- 699/2019

IN THE MATTER OF:

Sh. Rajeev Behl

...

Appellant/Petitioner

Versus

M/s. S. S. Con-Build Pvt. Ltd. & Ors.

...

Respondent

Under Section: 397/398

Order delivered on 02.07.2024

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)

SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)

PRESENT:

For the Appellant :

For the Respondent : Adv. Saurabh D. Karan Singh

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

CP-13/ND/2016: Mr. Saurabh D. Karan Singh, Ld. Counsel appearing for all the Respondents submitted that the captioned petition i.e. CP-13/ND/2016 is not maintainable as the Petitioner Mr. Rajeev Behl is not shareholder qua the Respondent No. 1. He further submitted that by way of the petition filed under Section 397-398. The Petitioner is seeking partition of property of M/s S.S. Con-build Pvt. Ltd. which does not fall within the purview of the provisions of Section 397-398. However, Mr. Dubey, Ld. Counsel appearing for the Petitioner submitted that in terms of the order dated 16.09.2019, this Tribunal desire that the present petition i.e. CP-28/2016, CP-13/2016, CP-118/2012 & CP-55/2016 need to be heard together. Confronted with the plea, the Ld. Counsel for the Respondent submitted that CP-118/2012 has already been dismissed. It is also his submission that all the Petitioners referred to in order dated 16.09.2019 have been preferred against different companies, thus there should be no difficulty in

hearing, the present petition independently. Though ex-facie we see no reason that why all the petitions need to be treated as connected, nevertheless since in terms of the order dated 22.09.2023, the Hon'ble President transferred CP-214/2021 from Court No. 6 to this Court, having the semblance that the Company Petition 13/2016, CP-28/2016 & CP-55/2016 filed by Mr. Rajeev Behl are pending before this Tribunal, we list the present petition for hearing on 09.07.2024 on the top of the board.

In the meantime, the Petitioner should upload the copy of the petition on DMS and should also bring a hard copy of the same for assistance of the Bench on the next date of hearing. It would also be open to the Ld. Counsels for the parties to file convenient compilation/paper book on the next date of hearing. It is made clear that no request for further adjournment would be entertained on the next date of hearing.

List on 09.07.2024.

Contt. Pett. 08/ND/2023, Contt. Pett. 02/ND/2021, CA-43/2020, CA-1603/2019 & CA-699/2019: List along with main matter on 09.07.2024.

Sd/-
(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)