

NATIONAL COMPANY LAW TRIBUNAL
CUTTACK BENCH
COURT No. 1
VC AND PHYSICAL (HYBRID) MODE

ITEM No. 117
CP No. 65/CB/2022
IA (Companies Act) No. 7/CB/2024

Proceedings under Section 241-242 Companies Act

IN THE MATTER OF:

EBPL Ventures Pvt. Ltd. (Formerly, Eskay Buildworks Pvt. Ltd.) & Ors.Applicant
V/S

Durga Hitech Projects Pvt. Ltd. & Ors.Respondent

Order delivered on 26/06/2024

Coram:

Dr. N. V. Ramakrishna Badarinath, Hon'ble Member(J)
Shri Charan Singh, Hon'ble Member(T)

PRESENT:

For the Applicant

Mr. Saswat K. Acharya, Adv.
Ms. S. Pholgu, Adv.
Ms. Jagruti Sahoo, Adv.
Mr. Abhijeet Agarwal, Adv.
Mr. Subham Agarwal, Adv.
Mr. Jaish Joshi, Adv.

For the Respondent

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ORDER

IA (Companies Act) No. 7/CB/2024:

Learned counsel Mr. Saswat K. Acharya appears for the petitioner.Ld. counsel Mr. Sambit kar appears for the respondent.

This application has been filed under Rule 55 R/w Rule 11 of NCLT Rules, 2016 to take on record Additional Affidavit and its supporting documents at the behest of Respondent Nos. 1 to 7 and Respondent No. 9. Notices given. Learned counsel for the Company Petitioner objects for receiving additional affidavit and the supporting documents.

Having heard the Ld. Counsles, we are of the view that insofar as additional affidavit is concerned, considering the facts and circumstances, leave can be granted, however, by giving opportunity to the company petitioner to file a counter affidavit in respect of this additional affidavit which is now sought to be filed. Therefore, we allow the prayer to take on record the additional affidavit with liberty to the company petitioner to file counter affidavit to the same within three weeks time.

In so far the supportive documents are concerned, the procedure followed to receive the same in this application is unacceptable. We therefore leave it upon to the petitioner to take appropriate steps if the petitioner wants to bring additional documents on record the additional documents. With this observation, this application is disposed of.

CP No. 65/CB/2022:

Both sides counsel present. Today IA(Companies Act) No. 7/CB/2024 is disposed of.

List the matter on 01.08.2024.

SD/-

**Charan Singh
Member (Technical)**

SD/-

**Dr. N. V. Ramakrishna Badarinath
Member (Judicial)**