

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT - 2

ITEM No.3 - IA/35(AHM)2024
in
CP 43 of 2017

Proceedings under Section 241-242 of Co. Act, 2013

IN THE MATTER OF:

Virendra R Gandhi & Ors
V/s

.....Applicant

Vadilal Enterprise Pvt Ltd & Ors

.....Respondent

Order delivered on: 08/05/2024

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)
Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Pranjal Buch, Adv. for Mr. Parth Contractor, Adv.
For the Respondent : Mr. Naishal Mody, Adv. for R-3
Ms. Rhea Sevak, Adv. for Mr. Arjun Sheth, Adv. for R-1

ORDER

IA/35(AHM)2024

Heard Ld. Counsel for the applicant i.e. original respondent no.2 in CP 43 of 2017 as well as respondent no.1 & 3. All the parties have filed their written submissions & arguments in CP 43 of 2017 was fully heard in many sessions and matter was reserve for order on 18.04.2024.

Thereafter, this application was filed and after removal of objections, number was generated on 06.05.2024. In this application, respondent no.2 prayed for not taking on record additional affidavit dated 19.12.2023 filed by him and other additional affidavits filed by respondent nos. 1,3 & 7. He has also made alternate prayer to file affidavit in reply to the rejoinder filed by the petitioner.

The arguments were already advanced on the filing of various affidavits by the respondents as well as rejoinder of petitioner. The issue is kept upon to decide alongwith main petition. Therefore, no further IA needs to be filed for the same relief. It appears that this application is filed just to protract the matter when it is already reserved for orders. No purpose will be served by filing IA on the point which were already argued at length and pending adjudicating. Hence, application is liable to be rejected.

Such conduct of applicant, to file unnecessary application in the mater must be deprecated. Such conduct causes unnecessary delay in the hearing and disposal of the matter, hence, to avoid further filing of unnecessary application, it is necessary to

put cost on the applicant. Applicant to pay cost of Rs.50,000/- to Prime Minister's National Relief fund for unnecessary filing of the application and submit copy of receipt within one-week. In view of the same, application is rejected and disposed-off.

-Sd-

DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

-Sd-

CHITRA HANKARE
MEMBER (JUDICIAL)