

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT - 2

ITEM No.4-Mis.App/3(AHM)2024 in Rst.A/3(AHM)2024
in
CP/26(AHM)2022

Proceedings under Section 271-273 of
Co. Act, 2013

IN THE MATTER OF:

Being Sure Life Science Pvt Ltd

.....Applicant

V/s

Shreeji Pharmadeal Pvt Ltd & Ors

.....Respondent

Order delivered on: 27/06/2024

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)

Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Dharmendra Parikh, Adv.

For the Respondent :

ORDER

Mis. App/3(AHM)2024 in Rst. A/3(AHM)2024

This is an application filed by the applicant to restore the order passed in Restoration Application No.3 of 2024 in CP 26 of 2022 by recalling the order dated 09.05.2024. In that matter, it is observed that

Heard Ld. Counsel for the applicant. The applicant has stated that he has moved an application before the Hon'ble Principal Bench in terms of orders dated 5 October 2023 to transfer the application to Mumbai as its registered office was in Mumbai and the jurisdiction of ROC was also in Mumbai while the respondents were all over India. Meanwhile, the applicant did not appear in the next hearing on 18 April 2024 nor in earlier two hearings, in view of the same the application was dismissed for non-maintainability.

The applicant seeks restoration of the order passed as the petitioner and his counsel did not appear with any other intention before this tribunal. He also states that dismissing the restoration petition, will make the petition filed before the Principal bench would make it infructuous.

Heard the petitioner. It is observed that the applicant has already filed the necessary petition before the Principal bench for transfer and has not challenged the order. Hence without prejudice to the decision to be taken in this regard by the principal

bench regarding allowing the transfer petition, this restoration application is disallowed due to non-maintainability before this bench for the purpose of jurisdiction of both applicant and respondents.

This application is not allowed and disposed of.

-Sd-

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

-Sd-

CHITRA HANKARE
MEMBER (JUDICIAL)