

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

CP. No. 71/241-242/PB/2020

IN THE MATTER OF:

Union of India, MCA	...	Applicant/ Petitioner
Delhi Gymkhana Club	...	Respondent

Order under Section 241-242 of the Companies Act, 2013.

Order delivered on 21.02.2024

CORAM:

JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

SH. AVINASH K. SRIVASTAVA
HON'BLE MEMBER (TECHNICAL)

Suo moto - Order recalling order dated 15.02.2024

On 15.02.2024 in CP. No. 71/241-242/PB/2020, with respect to CAs listed on that day we passed the following order:-

“Today, the matter was heard from pre-lunch to post-lunch till 4:35 PM.

New CA-22/2024

The present application is filed by Col. Ashish Khanna, SM (retd.)/Respondent No. 18 for the following relief.

“a. Grant extension to deposit costs till 31.03.2024 and redress of applicant’s AGM and 03.09.2023 Auditor qualified dues.

b. Pass any other orders as this Hon’ble Tribunal may deem fit in the interest of justice.”

Heard, Ld. Counsel Mr. Deepak Khosla for the Applicant appearing through VC. Col. Ashish Khanna, SM (Retd.) Applicant/Respondent No. 18 appeared physically.

We have perused this application seeking an extension to deposit costs imposed vide order dated 15.12.2023 in CA-440(PB)/2022. There is no stay on the order dated 15.12.2023. The time granted for payment of cost is 7 days. We are not convinced with the reasons for the prayer for extension of time to pay the cost.

Hence, we find no reason for granting an extension as prayed for.

Therefore, CA-22/2024 is dismissed.

CA-88/2023 and CA-34/2024

Heard, Ld. Counsel Mr. Deepak Khosla for the Applicants/Respondent No. 18 appearing through VC. Col. Ashish Khanna, SM (Retd.) Applicant/Respondent No. 18 appeared physically.

Since, we have already imposed a cost of Rs. 50,000/- on the present Applicant, vide order dated 15.12.2023 in CA-440(PB)/2022 which has not been paid as on date and the application i.e. CA-22/2024 for seeking an extension of time to deposit the costs has been dismissed today.

The applicant will have to pay the cost imposed, if we have to proceed further in the matter. The applicant ought to have informed the Hon'ble NCLAT as to the cost imposed in CA-440(PB)/2022 before seeking an early hearing.

List the matter for further consideration on 22.02.2024.

CA-403/2023, CA-384/2022, CA-387/2023, CA-364/2022, CA-480/2022, CA-01/2023, CA-45/2023, CA-123/2023 and CA-291/2023.

Ld. Counsel for the parties appeared.

At the request and by consent of all the parties, list the matter on 22.02.2024.

A copy of this order to be sent to the Registrar NCLAT for information.”

2. The Applicant Col. Ashish Khanna stated that the order was not served upon him. Therefore, we verified with the Registry and it

was reported that the copy of the order has not been served on the Applicant.

3. Registry reports that due to large number of orders that were processed for uploading and service, by oversight this order was not served on the applicant, however it was uploaded on the website. The Registry also informs that applicant was noticed for pronouncement of the order. The explanation of Registry is accepted.

4. Since, there is violation of the procedure prescribed under Rule 50 and 150 of the NCLT Rules, 2016 and in order to avoid prejudice to the applicant, we invoke the power under Rule 11 of the NCLT Rules, 2016 to recall the order dated 15.02.2024.

5. List CA-22/2024, CA-88/2023 and CA-34/2024, CA-403/2023, CA-384/2022, CA-387/2023, CA-364/2022, CA-480/2022, CA-01/2023, CA-45/2023, CA-123/2023 and CA-291/2023 for hearing on 22.02.2024.

6. Registry to inform Hon'ble NCLAT of this order.

-sd-
(RAMALINGAM SUDHAKAR)
PRESIDENT

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(AVINASH K. SRIVASTAVA)
MEMBER (TECHNICAL)