

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

Item No. 218
126(ND)/2016

IN THE MATTER OF:

Mr. C.M. Narula

...

Applicant/Petitioner

Versus

**M/s. CMD Paradesi Developers Pvt
Ltd.& Ors.**

...

Respondent

Under Section: 241-242

Order delivered on 04.06.2024

CORAM:

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

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

PRESENT:

For the Respondent : Adv. Mohit Chaudhary, Adv. Prakhar,
Adv. Ragav Dikshit,
Adv Sanjay Relan Adv Sushant Dahiya for R4

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

On 22.03.2024 we passed the following order:-

“Ms. Akanasha Mathur, Ld. Counsel appearing for the Applicant submitted that she could be engaged to argue the matter only last night and is not prepared to put forth her submission in the matter. Mr. Chaudhary, Ld. Counsel appearing for all the Respondents submitted that since 29.08.2016 itself, the Petitioner is delaying the matter. It is also submitted that the Petitioner is not even shareholder qua Respondent No. 1 and the issue was noted on 29.08.2016 itself. Nevertheless, on 25.02.2022 the parties to proceedings were directed to upload the softcopies of the pleadings on the DMS/CIS. On 16.12.2022, 13.04.2023 & 14.07.2023 it could be recorded that the petitioner failed to upload the pleadings on DMS/CIS. In the wake, we accept the request for adjournment made by the Ld. Counsel for the Petitioner. In the interest of justice, the hearing is deferred to 23.04.2024. The Ld. Counsels for the parties are directed to ensure that the pleadings/documents are available on DMS/CIS before the next date of hearing. Let the matter be listed on the top of the board on 23.04.2024.”

Today, when the matter was taken up for hearing, the Ld. Counsel appearing for the Petitioner submitted that he need to supplement his pleadings. It was only when Mr. Mohit Chaudhary, the Ld. Counsel for the Respondents pointed out that the issue of maintainability, which was noted on 29.08.2016 need to be considered today, the Ld. Counsel for the Petitioner submitted that he is not prepared with his submissions to be put forth in the matter and he need adjournment to press the petition by referring to certain judicial precedents that even in such cases where the register of shareholders is not maintained properly, a petition under Section 241/242 of the Companies Act can be preferred. In the wake, of the aforementioned order dated 22.03.2024, the Ld. Counsel for the Petitioner should have been prepared with his submissions to be put forth in the matter. We do not appreciate the approach of the Petitioner qua the present proceedings.

Nevertheless, in the interest of justice, the hearing is deferred to 17.09.2024 subject to payment of cost of Rs. 50,000/- to be deposited in the Prime Minister's National Relief Fund.

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

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