

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

Item No. 223
CP-368(ND)2017

IN THE MATTER OF:

Sanjay Kumar Mittal

...

Appellant/Petitioner

Versus

Sh. Vinod Kumar Sharma & Ors.

...

Respondent

Under Section: 241-242 Comp. Act.

Order delivered on 19.04.2024

CORAM:

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

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

PRESENT:

For the Petitioner : Adv. Prateek Gautam

For the Respondent : Adv. Sumit Kaushik, Adv. Jugal Bagga, Adv.
Ritwik Sharma, Adv. Chet Ram Kaushik, Adv.
Charan Khatana

HYBRID HEARING (PHYSICAL & VC)

ORDER

On 01.12.2023 this Tribunal passed the following order:-

“When the matter was called in the morning, the Ld. Counsels for the parties jointly submitted that they are in talks to settle the controversy involved in the captioned petition. Nevertheless, regarding the issue of withdrawal of the petition and uploading two pleadings on DMS by the respective parties as the documents are not uploaded on the e-portal of this Tribunal, the Proxy Counsels appearing for the Petitioner in CP-368/ND/2017 & CP404/ND/2017 submitted that the arguing counsel was not available and requested for a pass over.

When the matter is called again in the afternoon, the Ld. Counsel appearing for the Respondents in CP-368/ND/2017 & CP-404/ND/2017 is present, but there is no appearance for the Applicant in CP-368/ND/2017 & CP404/ND/2017. The Ld. Counsel for the Respondent submitted that he is prepared to upload the pleadings/irrespective of the talks for settlement. As prayed by the Ld. Counsels for the parties jointly, hearing in the captioned petition is deferred to 02.02.2024.

It is made clear that irrespective of the progress regarding the settlement talks, the parties would ensure that the pleadings qua all three petitions are complete and the documents are uploaded on the DMS/e-portal of this Tribunal before the next date of hearing. List on 02.02.2024.”

Today again Mr. Prateek Gautam, Ld. Counsel for the Petitioner in CP-368(ND)2017 & CP-404(ND)2017 submitted that the settlement talk is still on and for certain reasons the settlement deed could not be signed. Having submitted so he prayed for further adjournment. Since the parties are in settlement talk since December 2023, we find no justification in keeping the captioned petition pending. In view of the stand taken by Ld. Counsel for the Petitioner, **the petition is disposed of** giving liberty to Petitioner to revive the same, if the settlement talk does not materialize within three months.

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

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