

**NATIONAL COMPANY LAW TRIBUNAL  
JAIPUR BENCH**  
*(through web-based video conferencing platform)*

Item No. 208  
IA No. 14/JPR/2018  
IA No. 24/JPR/2018  
IA No. 43/JPR/2018  
IA No. 72/JPR/2018  
IA No. 77/JPR/2018  
IA No. 75/JPR/2019  
IA No. 206/JPR/2019  
IA No. 66/JPR/2020  
CP No. 12(ND)/2016  
TA No. 34/2018  
Under Section 397/398 of  
Companies Act, 1956

**In the matter of:**

**Mr. Gajendra Singh Panwar & Anr.** ...Petitioners

Versus

**M/s Girivar Hotel & Resort Pvt. Ltd. & Ors.** ...Respondents

**Coram: HON'BLE MR. DEEP CHANDRA JOSHI, JUDICIAL MEMBER  
HON'BLE MR. RAJEEV MEHROTRA, TECHNICAL MEMBER**

**Present Through Video Conferencing: -**

For the Petitioner : Sanjay Jhanwar, Sr. Adv.  
Siddharth Bafna, Adv.  
Samay Maheshwari, Adv.  
For the Respondent : D.K. Bhalla, Adv.  
Saloni Nagoria, Adv.

**ORDER**

1. Heard Mr. Sanjay Jhanwar, Sr. Adv. along with Mr. Siddharth Bafna, Adv. appearing on behalf of the Petitioner. Mr. D.K. Bhalla, Adv. appearing on behalf of the Respondent No.1. Ms. Saloni Nagoria, Adv. appearing on behalf of the Respondent No. 2-4.
2. Prior to filing of this petition, Respondent No. 2 had filed a Civil Suit before the Court of Learned Additional Civil Judge, Jaipur for declaration

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and permanent injunction restraining petitioners from proceedings with agreement of pledge dated 29.04.2015 as the signatures on the said agreement were obtained by misrepresentation and fraud. The issue of jurisdiction to adjudicate the authenticity of the pledge agreement was also addressed by the the Principal Bench, Delhi. It was stated by Principal Bench that when the matter with regard to authenticity of the agreement to pledge is sub-judice before the Learned Civil Court prior to the filing of the present petition, this Tribunal cannot proceed with the remaining part of the petition.

3. In the Civil Suit filed by the Respondent No. 2, Petitioners of this Company Petition filed an application under order 7 Rule 11 of the CPC for rejection of plaint. The said application was allowed by the Learned Additional Civil Judge No. 1, Jaipur District, Jaipur vide order dated 16.07.2022. It is submitted by learned counsel for the Respondent that an appeal has been preferred against the said order before the Court of Additional District and Sessions Judge in Jaipur District. No stay has been granted by the Appellate Court on the said appeal. Hence, there is no hinderance in hearing the present matter by this Tribunal. Mr. Sanjay Jhanwar, Sr. Adv. made his submissions which could not be concluded.
4. IA No. 14/JPR/2018 was filed by the Petitioners for clarifying the query raised by the Hon'ble Tribunal in order dated 02.11.2017. Since Learned Civil Judge has reflected the pending suit vide order dated 16.07.2022. This

application has become infructuous. Learned counsel for the Petitioner seeks to withdraw the present application. List the matter for further submissions on behalf of the learned counsel for the Petitioner on 02.05.2024 at 2:30 pm.

Sd-

(Rajeev Mehrotra)  
Technical Member

Sd-

(Deep Chandra Joshi)  
Judicial Member

May 01, 2024