

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

ORDER SHEET OF THE HEARING ON 5th JULY, 2024, 02:30 P.M.

**IA(Comp. Act.)/14/GB/2024
In CP/5/GB/2024**

**Present: 1. Hon'ble Member (Judicial), Shri Deep Chandra Joshi
2. Hon'ble Member (Technical), Shri Satya Ranjan Prasad**

In the Matter of	Prakash More & 11 others Vs Goldstone Cements Limited & 34 others
Under Section	U/s 58, 59, 210, 213, 216, 241, 242, 247 of Companies Act, 2013

For Petitioner (s) : Mr. J. Chowdhury, Adv.
: Ms. S. Choubey, Adv.
: Mr. R. Banerji, Adv.
: Mr. H. Jaria, CS.

For Respondent (s) : Dr. A. Saraf, Sr. Adv. R-1
: Mr. J. Saha, Sr. Adv. R-3,4,5,15,16,17,18,21,22,23,26
: Mr. A. Chaudhuri, Adv. for R-20
: Mr. A. Guha, Adv. For R-20
: Mr. J. D. Baruah, Adv. R-7, R-8 and R-10
: Dr. S. Tejawat, CA, R-1, R-9 and R-12
: Mr. A. Singh, Adv.
: Mr. P. Shandu, Adv.
: Mr V. Jhunjhunwala, Adv.

ORDER

IA(Comp. Act)/14/GB/2024

This is an application filed by Respondents No. 2-8, 10-12, 15, 23, 24 seeking to condone the delay of 2 days in filing their reply affidavit in terms of the order of this Tribunal dated 04.06.2024. Ld. Counsel attributes the voluminous nature of defect-free documents subsequently received by them to be the reason for such delay. In consideration of submissions, the delay condoned and the reply taken on file. Accordingly, this application is allowed and **disposed of.**

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Ld. Sr. Counsel/ Counsel present as mentioned above.

Ld. Counsel physically appearing in the Court on behalf of the Petitioner submits that in terms of the orders of this Tribunal, notice has been served on all the Respondents and they have filed a common service affidavit on 27.06.2024. However, the Ld. Counsel appearing for R-1 categorically denies the same and states that the notice and defect-free petition has not been served on them till date. In view of stated position, Ld. Counsel for the Petitioner is directed to file an affidavit in this regard along with the supporting documents that in terms of the orders of this Tribunal the notice and petition has been served on R-1. If defect free petition has not been served on R1, serve it within 3-days.

It is noted that despite being given clear instructions some of the Respondents have not filed their reply till date. They are being given a final opportunity to file their reply affidavit within 10 days' time by serving a copy on the opposite party failing which their right to file reply shall stand forfeited.

Ld. Counsel for R-1 states that they have filed their reply based on the advance copy of petition served on them. He seeks permission to file his amended reply, if they so desire, based on the defect-free petition to be served on them. Permission granted.

Registry is also directed to ensure that if notice has not been served on any of the Respondents, they shall serve it once again by speed post and by email and keep tracking record on file.

List the mater for further consideration on **22.08.2024**.

Sd/-

Satya Ranjan Prasad
Member (Technical)

Sd/-

Deep Chandra Joshi
Member (Judicial)