

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

ORDER SHEET OF THE HEARING ON 17th APRIL, 2024, 10:30 A.M.

**RA/1/GB/2024
Ex. Petition/1/GB/2023
Cont. A/1/GB/2023
In TP/07/GB/2016**

**Present: 1. Hon'ble Member (Judicial), Shri H.V. Subba Rao
2. Hon'ble Member (Technical), Shri Satya Ranjan Prasad**

IN THE MATTER OF	Gomukhi Construction(P) Ltd. & Others Vs North East Shuttles (P) Ltd.
UNDER SECTION	U/s 397/398 of Companies Act, 1956

For Petitioner (s)	: Ms. S. K. Mani, in person : Mr. Phizo Nath, in person : Mr. R. K. Keshri, Adv.	} Ex. Petition/1/GB/2023 Cont. A/1/GB/2023 in RA/1/GB/2024
For Respondent (s)	: Ms. S. K. Mani, in person : Mr. Phizo Nath, in person	} RA/1/GB/2024

ORDER

Cont. A/1/GB/2023

Applicants, Ms. S.K. Mani and Mr. P. Nath appear in person. The Respondents in the Contempt Application instead of complying with the Order dated 21.03.2024 filed a Review Application bearing RA/1/GB/2024 which is also listed on Board today. Ld. Proxy Counsel Mr. R. K. Keshri alleges that they were not aware of the order dated 21.03.2024 and that the impugned order was passed behind their back without giving any opportunity to them as the matter was earlier listed on 15.03.2024. Upon perusing the record, it is clearly observed that the above matter was reposted from 15.03.2024 to 21.03.2024 due to non-functioning of the Bench in view of both the Members attending Official Colloquium at Bhubaneswar in terms of Order File No. 10/03/2024-NCLT dated March 13, 2024 of NCLT, New Delhi, and thereby a notice to this effect was appropriately published by this Bench on March 14, 2024. The next date of hearing dated 21.03.2024 was uploaded in the NCLT Portal and Cause List dated 21.03.2024 was also uploaded on 20.03.2024 in NCLT Web Portal. The impugned order was passed on

account of absence of the Respondents on 21.03.2024. Uploading Cause list one day in advance is a public notice which the litigants and advocates are expected to verify everyday. After taking into account the conduct of the Respondents therefore, this Bench under these circumstances thinks fit to summon the present Directors of the Respondent Company to appear before this Tribunal on the next date of hearing without fail for non-complying with the Order dated 21.03.2024 and to offer them an opportunity in the above Contempt petition. Accordingly, the present Directors of the Respondent Company are directed to appear before this Tribunal on the next date of hearing. The Registry shall also communicate the above order to the Directors of Respondent Company to their email id.

List the matter on **22.04.2024**.

Ex. Petition/1/GB/2023

List the Ex. Petition /1/GB/2023 along with other connected matters on **22.04.2024**.

RA/1/GB/2024

The above application, RA/1/GB/2024 is listed on Board today for the first time. Ld. Proxy Counsel Mr. R. K. Keshri appears on behalf of Ld. Authorised Representative CS Mr. S.K. Gupta for the Applicant. Respondents, Ms. S. K. Mani and Mr. Phizo Nath appear in person. Submit that they have not received either soft copy or physical copy of the Application. Ld. Proxy Counsel appearing for the Applicant is hereby directed to serve the copy of the Application in both forms forthwith. Respondents shall also file their reply in both forms by the next date of hearing.

List the matter on **22.04.2024**.

Sd/-

Satya Ranjan Prasad
Member (Technical)

Sd/-

H.V. Subba Rao
Member (Judicial)