

**NATIONAL COMPANY LAW TRIBUNAL**  
**राष्ट्रीय कंपनी विधि अधिकरण**  
**CUTTACK BENCH**  
**कटक खंडपीठ**

**ORDER OF THE HEARING ON 24<sup>th</sup> APRIL, 2024, 10:30 A.M.**

(CP No. 98/CTB/2019), CA No. 42/CB/2022, IA (Companies Act) No. 5/CB/2023  
 IA (Companies Act) No. 15/CB/2023, Diary No. 2112133/00163/2024

**Coram: 1. Hon'ble Member (Judicial), Shri P. Mohan Raj**  
**2. Hon'ble Member (Technical), Shri Kaushalendra Kumar Singh**

Name of the Company	Dr. Kedarnath Panda & Ors. (Dr. Manoranjan Mohapatra) -Vs- Institute of Gastro & Kidney Care Pvt. Ltd. & Ors.
Under Section	241-242

**Hearing through: VC and Physical (Hybrid) Mode**

For Petitioner (s) :

For Respondent (s)

Mr. Saswat Kumar Acharya, Adv. R1-R12  
 Ms. S.Pholgu, Adv.  
 Mr. Subham Agrawal, Adv.  
 Mr. Abhijeet Agarwal, Adv.  
 Mr. Jaish Joshi, Adv.  
 Ms. Jagruti Sahoo, Adv.

**ORDER**

**I.A.No.5/CB/2023:**

This is an application filed to receive additional document SA 1 to SA 9, in C.A.No.42 of 2022. DR. Kedarnath Panda, 1<sup>st</sup> applicant appeared party in-person. Mr. S.K. Acharya, Advocate appeared for respondents R1 to 12, R.13 appeared in person. The 1<sup>st</sup> applicant Dr. Kedarnath panda, submitted that these additional documents could not be filed at the time of filing C.A.No.42/CB/2022 since they were subsequently down loaded. He submitted that the application is drafted by him. The prayer portion of this application is not in order, along with the prayer to receive additional documents, unconnected, distinct certain other prayers are made. It is explained to the applicant how the other prayers are unsustainable, later the applicant represented that he restricted this application in respect of 1<sup>st</sup> prayer alone and not pressing other prayers. The counsel appeared for respondents filed reply and oppose the application. However, the counsel submitted that in the event of allowing the application to receive additional

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document he may be permitted/given an opportunity to file additional pleading commenting/explaining about the additional documents. At this juncture to save time we inclined to allow the 1<sup>st</sup> prayer of the application to receive SA 1 to SA 9 as additional documents in C.A.No.42/CB/2022. Thus, application is allowed in respect of 1<sup>st</sup> prayer alone and in respect other prayers the application is dismissed.

**CA No.42/CB/2022.**

I.A.No.5/CB/2023 is allowed today, the additional documents SA 1 to SA 9 are taken on record in continuation of existing Annexures as A 23 to A31. Applicant is directed to upload the additional documents in the DMS portal of this application C.A.No.42/CB/2022. Respondents are permitted to file their written pleading restricting to the additional documents ordered to be received A23 to 31 within three weeks' time after serving copy upon the applicant. In this application there are four applicants 1<sup>st</sup> Applicant Dr.Kedarnath panda he appeared as party in -person, for 4<sup>th</sup> applicant Mrs.Sujatha Tripathy the 1<sup>st</sup> applicant Dr.Kedarnath panda has power of attorney in his favour, filed at page 352 Volume 2 of the petition, for other applicants without any power 1<sup>st</sup> applicant cannot appear/represent them. The matter adjourned for appearance of 2<sup>nd</sup> and 3<sup>rd</sup> respondents and to hear the application adjourned to 19.06.2024.

**I.A.No.15/CB/2023 and Diary No.211233/0016:**

In these applications the prayer is to stringently punish the Respondents/directors, Company secretary and other reliefs. I.A.No.15/CB/2023 is to-day posted to hear the applicant side regarding its maintainability, the unnumbered application also listed today to hear the applicant side regarding the maintainability. The applicant Dr.Kedarnath panda, attempt to argue on main C.A.No.42/CB/2022 instead of submitting submission regarding maintainability of I.A.No.15/CB/2023 and on unnumbered application diary No..**211233/0016** . It is explained to the applicant, the submission shall be made regarding the maintainability of these applications and not the merits of C.A.No.42/CB/2022. To hear the maintainability submission of the applicant pertaining to I.A.No.15/CB/2022 and on unnumbered application diary No..**211233/0016** matter adjourned to 19.06.2024.

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**Kaushalendra Kumar Singh**  
**Member (Technical)**

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**P. Mohan Raj**  
**Member (Judicial)**