

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - I

ITEM No.214

TP 119 of 2016 (CP 23 of 2015)

Proceedings under Section 397-398 of Co. Act, 1956

IN THE MATTER OF:

Dhiren Pratapmal Bhandari

.....Applicant

V/s

DB Shapriya Construction Ltd & Ors

.....Respondent

Order delivered on 15/02/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)

Mr. Sameer Kakar, Hon,ble Member(T)

PRESENT:

For the Applicant : Mr. Sudhir Mehta, Advocate

For the Respondent : Mr. Kunjal Dalal, PCS

ORDER

It was made to understand that pleadings in the matter have been completed and written submissions have been filed by the appearing Counsel for the applicant as well as Counsel for respondent No. 2. However, the Hon'ble NCLAT passed order in Company Appeal (AT) No. 89 of 2018 in TP 119 of 2016 dated 28.09.2018, the relevant extract of which is reproduced as below:-

The Appellant will be given one opportunity to amend the Company Petition for making specific averments with regard to the alleged transfer of shares from Dr. B.S. Sreekumar.

In compliance with the said order, the petitioner on 29.08.2019 filed a three page draft amendment vide inward diary No. 9498. However, the said draft amendment has neither been signed by the petitioner nor by his Counsel or any affidavit in support is annexed.

On perusal of the order sheets, it appears that this draft amendment paper is unsigned/unattested has remained unnoticed, and no such amendment in terms of the order dated 28.09.2018, was carried out by the petitioner in the main petition.

At this stage, the Counsel for the applicant / petitioner seeks liberty to take appropriate steps for compliance with the order dated 28.08.2018, passed by the Hon'ble NCLAT and requested for adjournment in the matter.

At the requests for the Counsel, the matter stands adjourned on 21.03.2024

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SAMEER KAKAR
MEMBER (TECHNICAL)

SHAMMI KHAN
MEMBER (JUDICIAL)