

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

ITEM No.227
CP 103 of 2019

Proceedings under Section 242-242 & 244 Co. Act, 2013

IN THE MATTER OF:

Hitesh Chhaganlal Ambalia & Anr
V/s
Om Sai Navigation Pvt Ltd & Ors

.....Applicant

.....Respondent

Order delivered on 02/05/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Ravi Pahwa, Adv.
For the Respondent : Mr. Jaimin Dave, Adv. a.w Ms Hirva Dave, Adv.
for R2 and R3

ORDER

Today, counsel for the applicant has placed before us xerox copy of the order of the Hon'ble Supreme Court passed in Civil Appeal No. 185/2024 dated 05.04.2024 in the relevant para of the Hon'ble Supreme Court is reproduced Paras 6,7, 8 reproduced as under:-

“ 6. We find merit in the submission which has been urged on behalf of the appellant that the order of the NCLAT remanding the proceedings back to the NCLT is unsustainable. The judgment of this Court in TATA Consultancy Services Limited (supra) was rendered after the decision of the NCLT. It was for the NCLAT to examine the impact, if any, that the judgment would have on the controversy between the parties. Simply remanding the matter to the NCLT without examining the facts and without analysing the extent of the application of the decision in TATA Consultancy Services Limited to the facts at hand would amount to an abdication of the appellate jurisdiction of the NCLAT.

7. We accordingly allow the appeal and set aside the impugned judgment dated 14 December 2023 of the NCLAT.

8. Company Appeal No 233 of 2020 is restored to the file of NCLAT for fresh examination.”

Learned counsel for the applicant submits that in view of the order of the Hon'ble Supreme Court no further order in this case is required and file is required to be consigned to record as the legality of the order of this Tribunal is to be seen by Hon'ble NCLAT in appeal which is pending for consideration as per order of the Hon'ble Supreme Court.

Ordered accordingly and file is closed.

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**SAMEER KAKAR
MEMBER (TECHNICAL)**

-sd-

**SHAMMI KHAN
MEMBER (JUDICIAL)**