

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**COURT - 2**

ITEM No.9- IA/54(AHM)2024  
in  
**CP 41 of 2017**

**Proceedings under Section 241-242 of Co. Act, 2013**

**IN THE MATTER OF:**

Virendra R Gandhi & Ors  
V/s

Vadilal International Pvt Ltd & Ors

.....Applicant

.....Respondent

**Order delivered on: 06/06/2024**

**Coram:**

**Mrs. Chitra Hankare, Hon'ble Member(J)**  
**Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)**

**PRESENT:**

For the Applicant : Mr. Pranjal Buch, Adv. for Mr. Parth Contractor, Adv.  
For the Respondent : Mr. Arjun Sheth, Adv.

**ORDER**

**IA/54(AHM)2024**

Heard Ld. Counsel for the applicant i.e. original respondent no.2 in CP 41 of 2017 as well as respondent no.1 & 3. All the parties have filed their written submissions & arguments in CP 43 of 2017 was fully heard in many sessions and matter was reserve for order on 18.04.2024.

Thereafter, this application was filed and after removal of objections, number was generated on 06.05.2024. In this application, respondent no.2 prayed for not taking on record additional affidavit dated 19.12.2023 filed by him and other additional affidavits filed by respondent nos. 1,3 & 7. He has also made alternate prayer to file affidavit in reply to the rejoinder filed by the petitioner.

The arguments were already advanced on the filing of various affidavits by the respondents as well as rejoinder of petitioner. The issue is kept upon to decide alongwith main petition. Therefore, no further IA needs to be filed for the same relief. It appears that this application is filed just to protract the matter when it is already reserved for orders. No purpose will be served by filing IA on the point which were already argued at length and pending adjudicating. Hence, application is liable to be rejected.

Similar applications were also filed in another two petitions which were rejected imposing cost upon applicant for filing unwarranted applications and causing delay in hearing and disposal of the matter. On inquiry with the Learned Counsel, he has

submitted that he has neither challenged those two orders nor deposited cost amount.

Hon'ble NCLAT while disposing of Company Appeal (AT) 186 of 2022 on 01.12.2022 vide its order dated 13.12.2023 in the matter of Mrs. Ila Virendra Gandhi (one of the petitioners) Vs. the respondents in the main petition filed before NCLT Ahmedabad had directed that NCLT may proceed expeditiously and decide all the matters including the main case preferably within a period of 8 weeks from the date of receipt/production of the order on. This Tribunal had given 26 hearings and prioritised the matter during the year 2023-24 and had heard detailed hearings and submissions by both the counsels. Both submitted voluminous documents for perusal of the Tribunal and argued the matter at length. After the matters were reserved for orders, this applicant before passing the orders reserved is filing various IAs. As mentioned above, when the full-fledged argument was heard so also written submissions were filed, there was no question to file any such IAs with prayer not to take some of the affidavits on record. This prayer itself is improper.

In such circumstances, it appears that applicant is filing unwarranted IAs and wasting judicious time of the Tribunal. When cost was imposed for the same reasons, he has neither paid it nor preferred an appeal against the cost and filed another application. In such circumstances and for the reasons mentioned above, application is liable to be rejected with heavy cost upon applicant. Applicant to pay cost of Rs.2 lakhs to Prime Minister's National Relief Fund for unnecessary filing of the application and submit copy of receipt within one-week.

Application is rejected with above mentioned cost.

-Sd-

**DR. V. G. VENKATA CHALAPATHY**  
**MEMBER (TECHNICAL)**

-Sd-

**CHITRA HANKARE**  
**MEMBER (JUDICIAL)**