

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

ITEM No.230
CP/27(AHM)2021

Proceedings under Section 245 & 73(4) of Co. Act, 2013

IN THE MATTER OF:

Rasikbhai G Bhalodi

.....Applicant

V/s

Sachi Molding Solutions Pvt 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. Vinit Nagar, Ld. PCS

For the Respondent

:Mr. Saumitra Chaturvedi, Ld. Adv.

Mr. Pratik Thakkar, Ld. Adv.

ORDER

Learned Counsel for R-1 to R-4 has placed before us one order of the Hon'ble Bombay High Court passed on 05.01.2024 in Commercial Appeal from Order No. 24 of 2023 and stated that in view of the statement made by the present applicant before the Hon'ble Bombay High Court and order passed by the Hon'ble Bombay High Court, this petition is to be dismissed,.

However, learned counsel for the applicant submitted that on the basis of the order passed by the Hon'ble Bombay High Court this petition is still maintainable and cause still survive which is to be agitated before this Tribunal.

Learned counsel, Mr. Pratik Thakkar appears for the R-5 & R-6 who has drawn our attention to the Power of Attorney annexed with the petition at Page Nos. 301 to 307 and stated that the names mentioned in Page Nos. 302 to 307 are not reflecting in Page No.141 filed by the applicant. Further, the present Special Power of Attorney is defective neither it is dated nor notarized or registered and signatures appended on subsequent pages annexed with the petition nowhere suggest that those signatures from part of the alleged Special Power of Attorney to which learned counsel for the applicant submitted that all the signatory have already filed affidavit in support of this petition which have forming part of the petition from Page Nos. 44 to 85.

However, on the perusal of the contents of this those affidavits also nowhere suggest that any such Power of Attorney has been given in favour of the present applicant i.e. Mr Rashikbhai G. Bhalodi who has filed this petition on their behalf.

Heard the counsels.

The order is reserved.

-Sd-

**SAMEER KAKAR
MEMBER (TECHNICAL)**

-Sd-

**SHAMMI KHAN
MEMBER (JUDICIAL)**