

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH**

**COURT – IV**

31

**RST.A (COMPANIESACT)/7(MB)2024  
IN CP/4024(MB)2018**

CORAM:

MS. ANU J. SINGH  
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI  
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **05.04.2024**

NAME OF THE PARTIES:

Kalpana Kantilal Jain & Anr  
Vs  
Universal Oil Seal Mfg. Co. Pvt. Ltd.

SECTION: 241-242 (1) OF THE COMPANIES ACT, 2013

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**ORDER**

1. Mr. Ashish O. Lalpuria, Ld. Counsel for the Petitioner present. Ms. Mily Ghoshal, Ld. Counsel for the Respondent present.
2. **RST.A(COMPANIESACT)/7(MB)2024:** The present Applicant is Petitioner No.1 in main Company Petition No. 4024 of 2018 (hereinafter referred as said Company Petition). The present Restoration Application is filed under Rule 11 of the National Company Law Tribunal Rules, 2016 for Restoration of said Company Petition and for recalling of the order dated 20th December, 2023 passed in CP No. 4024/2018 whereby this Hon'ble Tribunal dismissed CP No. 4024/2018. The said order has dismissed the captioned Company Petition without considering the merits of the case and the true facts and circumstances prevailing in the proceedings thereby causing injustice to the Applicant. Furthermore, the order dated 20th December,

2023 is a cryptic order and the order would affect the rights of the Applicant even in future consideration of the merits of the case by the same authority or Appellate Authorities/Courts. Therefore, the Applicant is filing the present Application for restoration and recalling the order dated 20th December 2023.

3. In the order dated 20.12.2023, this bench has in para 3 categorically recorded that the petitioner was issued directions on 10.08.2023 to place on record specific instances of syphoning of the money and complete facts pertaining thereto and on 07.09.2023 on the request of the Petitioner three weeks further time was granted. However, the orders were not complied with. Therefore, the bench took a view that the petition is incomplete for want of necessary documents.. Accordingly, company petition CP/4024(MB)2018 was dismissed on 20.12.2023.
4. In view of the reason stated supra, this bench is not inclined to recall its order dated 20.12.2023 or to restore the company petition. Accordingly, RST.A (COMPANIESACT)/7(MB)2024 is **dismissed**.

Sd/-  
ANU J. SINGH  
Member (Technical)

Sd/-  
KISHORE VEMULAPALLI  
Member (Judicial)