NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH

Item No. 6

CA 455/2023 (NEW CA) in CP/44(MB)2023

CORAM:

SH. PRABHAT KUMAR **JUSTICE VIRENDRASINGH BISHT (Retd.)**
HON'BLE MEMBER (TECHNICAL) **HON'BLE MEMBER (JUDICIAL)**

ORDER SHEET OF THE HEARING ON **06.11.2023**

NAME OF THE PARTIES: **MILIND PATIL VS SANJAY FOUNDERS PRIVATE LIMITED**

Section 59, 241(1), 242(4) and 244(1) of the Companies Act, 2013 and Rule 11

ORDER

CA 455/2023

1) Mr. Amir Arsiwala, Ld. Counsel for the Petitioner in the main Company Petition and the Respondent in CA 455 of 2023 and Mr. Avinash Khanolkar, Ld. Counsel for the Respondent in the main Company Petition and the Applicant in CA 455 of 2023 are present.

2) The present Interlocutory Application has been filed by the Applicant, **M/s Sanjay Founders Private Limited,** seeking recall of the order dt. 26.09.2023**.**

3) Record reveals that the matter was listed on Board on 26.09.2023, on which date, after hearing the Counsel for the Parties, the matter was Reserved for Orders.

4) It is the only contention of the Applicant herein that the Respondent was not given an opportunity to file and place on record Affidavit in Reply. However, the Respondent was granted an opportunity for the same purpose and the Respondent failed to file and place on record Affidavit in Reply before the adjourned date and on 26.09.2023, the matter was heard by this Bench after hearing both side Counsel and Reserved the matter for Orders.

5) This Bench observes that the present Company Application has been filed in the matter which is already Closed for Orders and is of the considered view that there is no substance in the present Company Application bearing CA No. 455 of 2023; hence, the same is disposed of as not maintainable.

6) However, in the interest of justice, liberty is granted in favour of the Applicant herein to file and place on record brief synopsis within a week along with the supporting documents and the same be served to the other side.

7) Thereafter, other side is at liberty to file and place on record Additional Affidavit within a week.

8) **No Transaction shall be concluded till the pronouncements of the Orders in the present matter.**

Sd/- **Sd/-**

PRABHAT KUMAR
MEMBER (TECHNICAL)

JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)

Vedant Kedare