

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

118. R.A. 2/2022

IN

C.A. 200/2021

R.A. 3/2022

IN

C.A. 285/2021

Intervention Petition 1/2022

I.A. 41/2022

In

C.P. 1649/2019

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)
SH. CHARANJEET SINGH GULATI, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **16.04.2024**

NAME OF THE PARTIES: Mr Vijay Mohanlal Parmar

V/s.

Dream City Construction Pvt. Ltd & Ors.

Appearance

For Petitioner : Adv. Akshay Petkar a/w. Adv. Aniket Malu for petitioner
and applicant in IA 41/2022

For Applicant : Adv. Achala Hatode in RA 2/2022 & RA 3/2022 and Adv.
Jawahar M Doshi in CA 200/2022

For Respondent: Adv. Anupam Surve I/b. India Law Alliance

SECTION 241-242 OF COMPANIES ACT, 2013

ORDER

Hearing Through: Virtually and Physical (Hybrid) Mode

Intervention Petition 1/2022

None appeared for the applicant. Order dated 13.02.2024 record as follows:

“Adv. K.M Savla for intervener submits that respondent company is expected to receive approx. Rs. one crore from M/s Dignity Reality and the proposed interveners are the flat buyers from the R-1 company and if such transfer is allowed their interest would be prejudiced as they have filed complaint before MahaRERA against the petitioner, respondent company and Dignity Reality. The present CP is under section 241 & 242 of Companies Act 2013 for oppression and mismanagement of the respondent company. Prima facie, the reliefs sought by the interveners appear to be misconceived and remedy to recover the amount paid for flats lies elsewhere. The Counsel seeks some time to argue the application.

Despite seeking opportunity to make submission on the applicant, none appeared for the applicant. Be that as it may, it is recorded that in a petition under section 241 & 242 of the Companies Act 2013, which is relating to disputes *interse* the shareholders. The flat buyers' remedy against respondent company is elsewhere. Therefore present intervention petition 1/2022 is **dismissed**.

R.A. 2/2022 & R.A. 3/2022

These applications have been filed by Jawahar Mohanlal Doshi for restoration of Company Applications No. 200 of 2021 and CA 285/2021 respectively which was dismissed for non-prosecution on 15.12.2021.

Ld. counsel for the applicant submits that the applicant could not join virtually due to technical glitch faced by the advocate.

Upon considering the submission made by the counsel, the R.A. 2/2022 and R.A. 3/2022 are **allowed** and Company Appeals Nos. 200 of 2021 and 285 of 2021 are **restored** to file.

C.A. 200/2021

This application has been filed seeking refund of the amount invested in the company as flat buyers. Vide order dated 13.02.2024, Ld. Counsel had sought time to seek instructions whether to pursue the application before this Tribunal or to take appropriate remedy. Upon instructions, Ld. counsel seeks to withdraw the present application with liberty to pursue the remedy elsewhere.

The Company Application CA 200/2021 is **dismissed as withdrawn** however with liberty to pursue appropriate remedy before competent forum.

C.A. 285/2021

This application has been filed seeking refund of the amount invested in the company as flat buyers. Vide order dated 13.02.2024, Ld. Counsel had sought time to seek instructions whether to pursue the application before this Tribunal or to take appropriate remedy. Upon instructions, Ld. counsel seeks to withdraw the present application with liberty to pursue the remedy elsewhere.

The Company Application CA 285/2021 is **dismissed as withdrawn** however with liberty to pursue appropriate remedy before competent forum.

I.A. 41/2022

Ld. counsel for the Respondents submit that he is not prepared to argue the matter today and sought adjournment. At his request, list on **11.06.2024** for hearing.

Sd/-
CHARANJEET SINGH GULATI
Member (Technical)
---Rajeev---

Sd/-
LAKSHMI GURUNG
Member (Judicial)