

IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT- I) CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **06.09.2023** THROUGH VIDEO CONFERENCING

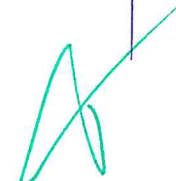

PRESENT: HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

IN THE MATTER OF : Galipoglu Hidromas India Manufacturing Pvt Ltd

MAIN PETITION NUMBER : CP/21(CHE)/2022

(IA/MA) APPLICATION NUMBERS

IA/25(CHE)/2022; MA/31(CHE)/2022 IN IA/25(CHE)/2022; IA/23(CHE)/2023



The image shows a large, empty rectangular box with a blue border, intended for a signature or stamp. A diagonal line is drawn across the box from the bottom-left corner to the top-right corner. Below the box, there are two handwritten signatures in blue ink. The signature on the left is 'Subramanian' and the signature on the right is 'Jain'.

19 CP/21(CHE)/2022
IA/25(CHE)/2022; MA/31(CHE)/2022 IN IA/25(CHE)/2022
IA/23(CHE)/2023

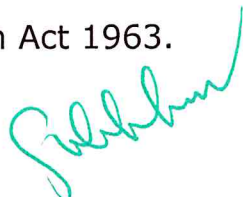
ORDER

Ld. Senior Counsel Mr. P.R Raman is present for Petitioner in CP/21(CHE)/2022, Applicant in IA/23(CHE)/2023 and Respondent in IA/25/2022 and MA/31(CHE)/2022. Ld. Counsel Ms. Vandana Raheja is present for Applicant in IA/25/2022, MA/31(CHE)/2022 and Respondent in CP/21/2022, IA/23/2023.

IA/25(CHE)/2022

This Application has been filed seeking to dismiss the Company Petition CP/21/2022 in *limine* alleging interalia that the Petition has been filed through a representative without proper authorization as the same as required by law. It is stated that the authorization have been provided by way of Power of Attorney dated 13.12.2019 executed in Turkey. It is settled law that a Power of Attorney executed outside India has to be adjudicated in India as per the provisions of Section 18 of the Indian Stamp Act. In the present case, the same has not been adjudicated.

It is also stated that as per Section 18, Power of Attorney is to be stamped within three months after it has been first received in India and as per Rule 34 of NCLT Rules, 2016, every Company Petition is to be necessarily verified by an affidavit. It is also stated that Petition is barred by limitation by virtue of Section 433 of Companies Act 2013 r/w Article 137 of the Limitation Act 1963.



Pursuant to the objections raised in IA/25/2022, **IA/23/2023** has been filed for impounding the Power of Attorney dated 13.12.2019 and giving directions to the Registry to return the same for adjudication by the Collector. Reference is made of the case of *N.N Global Mercantile Pvt. Ltd. vs Indo Unique Flame Ltd. and ors* to contend that it is a curable defect.

MA/31(CHE)/2022

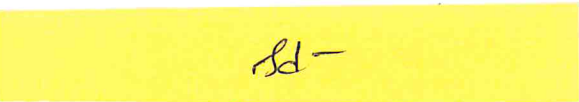
This Application has been filed by the Respondent/Applicant herein seeking relief to file rejoinder to the common counter statement/reply to IA/25/2022.

Ld. Senior Counsel Mr. P.R Raman submits that this Application has already been allowed vide order dated 22.06.2022.

Registry is directed to delete this **MA/31(CHE)/2022** from the cause list.

Counsel for the Respondent submits that Senior Counsel is busy in Hon'ble NCLAT.

List these Applications on **20.09.2023** for **physical hearing**.



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[VENKATARAMAN SUBRAMANIAM]
MEMBER (TECHNICAL)



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[SANJIV JAIN]
MEMBER (JUDICIAL)

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