.

## NATIONAL COMPANY LAW APPELLATE TRIBUNAL NEW DELHI

Company Appeal (AT) No. 2 of 2016

Present: (i) JUSTICE S.J. MUKHOPADHAYA, CHAIRPERSON

ii) SH. BALVINDER SINGH,
MEMBER (TECHNICAL)

1.:

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL ON 11.07.2016 AT 10:30 a.m.

NAME OF THECASE

Prag Bosimi Synthetics Ltd.

Vs.

3A Capital Ltd. & Ors.

SECTION OF THE COMPANIES ACT, 2013: 421

S.NO. NAME DESIGNATION REPRESENTATION SIGNATURE
ORDER

## 11.07.2016

This appeal under section 421(1) of the Companies Act, 2013 has been preferred by the Appellant Prag Bosimi Synthetics Limited against order dated 27th May, 2016 passed by the erstwhile Company Law Board at Kolkata in CP No. 89/2011 filed by the Respondent No.1.

- Nobody appears on behalf of the Appellant.
- Section 421 relates to appeal from orders of Tribunal (National Company Law Tribunal constituted since 1st June, 2016). The provision reads as follows:-

"Section 421(1)- Any person aggrieved by an order of the Tribunal may prefer an appeal to the Appellate Tribunal."

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Contd/-....

4. Section 434, though relates to the transfer of certain pending proceedings, Clause (b) of sub-section 1 of sub-section 434 of the Companies Act, 2013 reads as follows:-

"Section 434 (1) - On such date as may be notified by the Central Government in this behalf -

(b) any person aggrieved by any decision or order of the Company Law Board made before such date may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Company Law Board to him on any question of law arising out of such order:

Provided that the High Court may if it is satisfied that the appellant was prevented by sufficient cause from filing an appeal within the said period, allow it to be filed within a further period not exceeding sixty days;

5. In view of the aforesaid provisions, as the order has been passed before 1\* June, 2016 that too by the erstwhile Company Law Board, the present appeal is not maintainable. It is accordingly dismissed.

(Justice (Retd.) S.J.Mukhopadhaya)

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Chairperson

(Balvinder/Singh) Member (Technical)