

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 5 of 2016

Upper India Steel Manufacturing & Engineering Company Ltd. & Ors.
... Appellants

Vs.

Sh. Gurlal Singh Grewal & Ors.

... Respondents

09.09.2016

Present:

Mr. S.N. Mukherjee, Sr. Advocate, Mr. Saurabh Kalia, Ms.
Aishwarya Mishra, Ms. Samridhi Gogia, Mr. Gursimran
Singh Grewal.

... Appellants

ORDER

This Company Appeal has been preferred by the appellants against the order dated 23rd August, 2016 passed by the National Company Law Tribunal, Principal Bench, New Delhi (herein after referred to as NCLT) in C.P. No. 49/2007 which reads as under:

"This is an application for transfer of Petition bearing CP No. 49 of 2007 with all the attendant applications/pleadings before the Hon'ble Member Shri B.S.V. Prakash Kumar at Mumbai Bench as the matter had been heard by the learned Member earlier in the Company Law Board.

2. *It is not such a complicated and long matter which may necessitate the transfer and, moreover, the Technical Member in any case has to hear the arguments afresh.*

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3. *Accordingly, the application (CA 72/PB/2016) is dismissed.*"

We have heard the learned counsel for the appellants and perused the records. From the pleading made by the appellants, the following facts emerge:

The Company Petition was filed by the Petitioners (Respondents herein) in the year 2007 before the then Company Law Board (herein after referred to as C.L.B.) and was taken up for hearing by the Hon'ble Member, after almost six years on 11th September, 2013. The Learned counsel for the petitioners (Respondents herein) argued for fourteen days between 11th September, 2013 and 13th January, 2015. The learned counsel for the respondents (appellants herein) argued for six days upto 13th March, 2015. Thereafter, the learned counsel for the Petitioners (Respondents herein) argued in reply for six days. The judgment was reserved on 11th September, 2015 but even after six and half months the Hon'ble Member could not dispose off the case.

Taking into the consideration all the aforesaid facts, apart from the reasons recorded by the NCLT, as quoted in the beginning, we find no ground made out to transfer the case before the same Hon'ble Member, Bombay Bench.

The parties may pursue their case before the NCLT, Chandigarh Bench, where the matter is pending. The said Bench is supposed to dispose of the matter in terms of section 422 of the Companies Act, 2013.

The Company Appeal stands disposed of in the aforesaid observations. There shall be no order as to cost.

(Justice S.J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member (Technical)