
(2015) 04 P&H CK 0358
In the Punjab And Haryana At Chandigarh
Case No : CAPP No. 21 of 2015 (O&M)

Vikram Kapur and Others

APPELLANT

Vs

Atlas Cycles (Haryana) Ltd. and Others

RESPONDENT

Date of Decision : 20-04-2015

Acts Referred:

Citation : (2015) 04 P&H CK 0358

Hon'ble Judges : Amit Rawal, J

Bench : Single Bench

Advocate : U.K. Chaudhary, Senior Advocate, Himanshu Vij, Anand Chibber, Senior Advocate, Gaurav Mankotia, Akshay Bhan, Senior Advocate, Amandeep Singh Talwar, Manisha Chaudhary and Praveen Gupta, for the Appellant; Sudhir K. Makkar and Yajur Bhalla, Advocates for t

Final Decision : Disposed off

Judgement

Amit Rawal, J—The present appeal has been filed under Section 10-F of the Companies Act, 1956 against the judgment and order dated 27.3.2015 passed by the Company Law Board in Company Petition No. 18 (ND) of 2015.

2. Learned Senior counsel appearing on behalf of the appellants submitted that the Company Law Board, while deciding the matter on interim relief has dismissed the case on merits without calling upon the respondents to file reply and documents in support of their defence.

3. Mr. Sudhir K. Makkar, learned counsel appearing on behalf of respondent Nos. 1 & 12 to 16 submits that the order passed by the Company Law Board is fair, legal and justified and based on the request of the counsel for the appellants as the appellants were insisting upon grant of interim relief.

4. He further submitted that the appellants have concealed the factum of claiming identical relief in the suit wherein interim relief was sought and was declined vide order dated 28.1.2015. The petition was filed in Company Law Board on 27.3.2015.

5. I have heard learned counsel for the parties and appraised the impugned order. The Company Law Board, while declining the interim relief, has also dismissed the main petition.
6. It is a matter of record that the respondents had not filed counter/defence or any documents in pursuance to the petition filed under Section 397, 399 and 402 of the Companies Act, 1956.
7. The Company Law Board ought not to have dismissed the petition on merits while declining the interim relief to the petitioner. It appears that the matter has been decided in utter haste without commenting upon the merits of the matter/petition.
8. Without adverting to the merits and de-merits of the matter, much less the plea/counter pleas of the parties to the lis, I deem it appropriate to set aside the impugned order and remand the matter back to the Company Law Board by restoring the appeal to its original number.
9. Parties are directed to appear before the Company Law Board on 28.4.2015.
10. The petitioner shall be at liberty to pray for interim relief afresh. The aforesaid order of mine shall not construe an expression on the merits/de-merits of the matter.
11. With the aforementioned observations the appeal stands disposed of.