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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPEAL NO.84 OF 2015

IN

COMPANY APPLICATION NO.18 OF 2014

IN

COMPANY APPLICATION NO.60 OF 2014

Pramod Kumar Surolia

...Appellant

vs

Rakesh Kabra and Namrita Kabra

...Respondents.

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Mr. Zal Andhyarujina, a/w. Mr. Bharat Merchant, Mr. Neerav Merchant and Mr. Ishwar Ahuja, i/b. Thakordas & Madgavkar, for the Appellant.

Mr. Mayur Khandeparkar, i/b. Mr. Rahul Oak, for Respondent Nos. 1 and 2.

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CORAM : S.C. GUPTE, J.

12 OCTOBER, 2015

P.C. :

. The appeal is disposed of by consent of parties with a direction that papers and proceedings of Company Petition No.87 of 2012 be transferred to Company Law Board, Principal Bench, New Delhi, for adjudication by the Principal Bench. The Respondents (who are original Petitioners in the Company Petition) shall be entitled to file an additional affidavit in support of their petition. Such affidavit shall be filed within a period of two weeks from today. Reply, if any, to such additional affidavit to be filed by the Appellant (original Respondent in the Company Petition) within one week thereafter. Both parties agree that none of them shall apply for any adjournment at the hearing before the Principal Bench. The Principal Bench may, if it so deems fit, decide the preliminary issue as to the

jurisdiction of the Company Law Board in the matter. All contentions of the parties in this behalf are kept open. The Principal Bench shall endeavour to dispose of the petition as expeditiously as possible and both parties shall cooperate for the purpose. It will be open to the Respondents herein to contend before the Principal Bench that the preliminary issue of jurisdiction has already been considered by the Mumbai Bench and that part of the order is not interfered with in the present order. It is made clear that this order is passed by this Court without going into the merits of the controversy forming part of this appeal. The proceedings shall, accordingly, be treated as transferred proceedings from the Company Law Board, Mumbai to the Company Law Board, Principal Bench.

(S. C. GUPTE, J.)