

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Company Appeal No. 1 of 2016**

M/s Super Iron And Steel Pvt. Ltd. (A Company Duly Incorporated Under The Relevant Provisions Of The Companies Act, 1956) Having Its Registered Office At Ring Road No.2, Sarora, Urla Industrial Area Raipur, Chhattisgarh- 493221 Through Its Director Mr. Amarjeet Singh Chandhok S/o Shri Pritpal Singh Chandhok, Aged About 34 Years, Co Pritpal Farm House, V I P Road, Mana, Raipur, District Raipur, Chhattisgarh

---- Appellant**Versus**

Axis Bank Limited , A Banking Company Formed Under The Provisions Of The Banking Regulation Act, 1949 And Incorporated Under The Provisions Of The Companies Act, 1956, Having Its Registered Office At Trishul- 3rd Floor, Opposite- Samartheswar Temple, Near Law Garden, Ellisbridge, Ahemdabad- 38006 And Carrying On Its Banking Business Interalia At Raipur Branch Opposite New Bus Stand, Jeevan Bima Marg, Pandri, Raipur, Chhattisgarh- 492004

-----Respondent

For Appellant:

Shri Anand Dadariya, Advocate.

For Respondent:

Shri Shishir Dixit, Advocate.

Hon'ble The Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per Navin Sinha, Chief Justice****29/03/2016**

1. IA No.1/2016 has been filed to condone delay of 96 days in filing the appeal.
2. Considering the duration and the nature of order proposed to be passed, after hearing Learned Counsel for the parties, delay is condoned.
3. The present appeal arises from order dated 2.11.2015 in Company Petition No.5/2014 rejecting IA No.1 to decide the preliminary objections first and dismiss the Petition at the threshold.

4. Learned Counsel for the Appellant submits that the Learned Single Judge has foreclosed the consideration of the objections and has required detailed reply to be filed within eight weeks.

5. Learned Counsel for the Respondent/Bank points out that subsequently on 4.2.2016, the Appellant has sought four weeks' further time to file return.

6. We have considered the submissions. The apprehension on part of the Appellant that hearing on its preliminary objections has been foreclosed is completely belied by the language and tenor of the order dated 2.11.2015 keeping it open for consideration after reply is filed.

7. The appeal is disposed in the aforesaid terms.

Sd/-

(Navin Sinha)

CHIEF JUSTICE

Sd/-

(P. Sam Koshy)

JUDGE