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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CO.A(SB) 42/2015 & CA Nos. 2691/2015 & 3183/2015

CELSIUS HEALTHCARE PRIVATE
LIMITED & ORS.

..... Appellants

Through: Mr Arun Kathpalia, Mr Kushal Gupta,
Mr Saurabh Kalia & Ms Aishvarya Mehra, Advs.

versus

MR. RAJNISH CHADHA & ORS.

..... Respondents

Through: Mr Jatin Mongia & Mr Shivek Trehan,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **16.03.2016**

1. The captioned appeal is directed against order dated 24.08.2015 passed by the Company Law Board (CLB). Mr Kathpalia, who appears for the appellants, says, apart from anything else, there is one serious error in the said order, which is that, the appellants' application being: CA No. 185/2015, which was pending consideration and, to which, a reply had been filed by the respondents, was not taken up for hearing prior to CLB passing the impugned order.

2. Learned counsel submits that, inter alia, via CA No. 185/2015, the appellants had sought variation of an earlier order, passed by the CLB, which is, dated 25.11.2014.

2.1 It is the learned counsel's contention that, as a matter of fact, inspection was given to the respondents on 10.12.2014.

2.2 Mr Kathpalia further submits that the respondents have been acting in

a fashion, which is detrimental to the interest of appellant no.1. company.

3. Learned counsel for the respondents, on the other hand, refutes the submissions of Mr Kathpalia; more specifically, that the respondents have been acting in a manner which is detrimental to the interest of appellant no.1 company.

4. Be that as it may, learned counsel for the respondents says that he has no difficulty if this court were to set aside the impugned order and direct a re-hearing in not only in CA No. 186/2015, in which the impugned order was passed, but also a hearing in CA 185/2016, which was preferred by the appellants herein.

4.1 Mr Kathpalia is also agreed to such a modality being followed.

5. Accordingly, the impugned order is set aside. The CLB is directed to re-hear CA No. 186/2016 and hear CA No. 185/2016. Reply, if any, will be filed by the non-applicant(s) in the said applications, within one week from today. Rejoinder thereto, if any, be filed within one week thereafter.

5.1 The applications will be heard and disposed of by the CLB as expeditiously as possible, though not later than four weeks from today. Needless to say, none of the observations made hereinabove by me, will come in the way of the CLB deciding the applications on merit.

7. The appeal and the applications are, accordingly, disposed of in the light of the aforesaid directions issued above.

8. Dasti under the signatures of the Court Master.

RAJIV SHAKDHER, J

MARCH 16, 2016

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