

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMPANY APPLICATION NO.360 OF 2018
IN
COMPANY PETITION NO.1017 OF 2003**

V-Hotels Limited (formerly known
as Tulip Hospitality Services Private Limited)Applicant

IN THE MATTER BETWEEN :

Tremac India Pte Ltd.Petitioner

Vs.

V-Hotels LimitedRespondent

Mr. Rahul Narichania, senior advocate a/w. Mr. Prathamesh Kamat I/b.
Mr. Rajesh Mirchandani for applicant/original respondent.
Mr. Yatin R. Shah a/w. Mr. Niranjana M. Deshpande for respondent/original
petitioner.

**CORAM : K.R.SHRIRAM, J.
DATE : 2nd NOVEMBER 2018**

P.C.:

1 This company application is taken out for dismissal of the
petition on the ground that the name of petitioner has been struck off from
the register of companies and proposal to dissolve the company unless the
cause is shown to the contrary within 30 days to the date of notice as issued
by the Registrar of Companies, Karnataka on 26th July 2017, copy whereof is
at Exhibit "A" to the application. Petitioner company is at serial no.4636.

2 Mr. Shah does not dispute this fact and had informed the Court
on 21st June 2018 that an appeal before NCLT, Bangalore seeking
restoration of the name of petitioner in the register of companies has

already been lodged on 20th June 2018 as Dairy No.325 of 2018. NCLT, Bangalore was requested by this Court to consider the appeal of petitioner expeditiously and if possible dispose the same before 19th July 2018. Mr. Shah, counsel for petitioner had stated that by 26th June 2018, petitioner will apply to NCLT, Bangalore to hear the appeal expeditiously. On 19th July 2018 a statement was made by Mr. Shah and I would assume has been made as an officer of the Court, on instructions, that all office objections have been removed, the application is numbered and application is ripe for hearing and on 11th July 2018 the application was made for early hearing and hopefully within three weeks the appeal will be heard. Thereafter this application got listed on 6th August 2018, 13th August 2018, 3rd October 2018, 24th October 2018, 31st October 2018 and today.

3 On 31st October 2018 applicant stated that they have been instructed by their advocates in Bangalore that petitioner is yet to remove office objections raised by the registry of NCLT, Bangalore as a result the appeal filed by petitioner has not been posted before the Tribunal for hearing. Mr. Shah's junior, who had appeared on that day, requested the application to be placed today so that he could take instructions.

4 Today Mr. Narichania tenders copy of letter dated 31st October 2018 from Holla and Holla, advocates for respondent company, in which it is recorded that petitioner is yet to remove office objections in NCLT and

therefore, the matter has not been posted before the Tribunal for hearing. The same is taken on record and marked "X" for identification. For ease of reference a scanned copy of the letter is reproduced hereunder :



Sir,

Sub: - With reference to our previous letter dated 13/08/2018

Under your instruction, we have verified with the Registry of the Hon'ble National Company Law Tribunal, Bangalore regarding the status of the restoration proceedings initiated by M/s. Tremac India Private Limited ('Company' for short) before the Hon'ble Tribunal. We are given to understand that the counsel for the Company has failed to comply with the objections raised by the registry, as a result of which the matter has not been posted before the Hon'ble Tribunal for hearing for want of such compliance.

This is for your information.

Thanking you,

Yours Faithfully,

(HOLLA & HOLLA)

5 Mr. Shah states that his instructions are the advocate in Bangalore is in the process of removing office objections today and it will be removed by 2.00 p.m. and by 3.00 p.m. the appeal will get numbered. This is contrary to the statement that Mr. Shah made to this Court on 19th July 2018. I would assume that petitioner has seen the order dated 19th July 2018 and would have immediately brought to the notice of Mr. Shah the error that he made in making the statement to the Court that all office objections have been removed and also instructed Mr. Shah to bring it to the notice of the Court on the following dates when the application got to be listed. In any event, I would have expected petitioner to expeditiously remove all office objections atleast in view of the statement made by Mr. Shah to this Court on 19th July 2018. 3 ½ months have passed since then and 4 ½ months since the application was first taken up on 21st June 2018.

6 In the circumstances, purely by way of indulgence and in view of the statement made by Mr. Shah that during the course of today the appeal will get numbered before NCLT, time is granted upto 4.30 p.m. on 2nd November 2018 to remove office objections and have it numbered as stated by Mr. Shah. It is made clear that if the appeal in NCLT is not numbered and by 3rd November 2018 a communication is not sent by Mr. Shah to the advocate for applicant giving the appeal number, this

application will stand allowed in terms of prayer clause – (a) and original petition no.1017 of 2003 will stand dismissed without further reference to this Court.

7 Application accordingly stands disposed.

8 If the appeal in NCLT is so numbered and Mr. Shah informs applicant's advocates the number by 3rd November 2018 and files a compliance in the registry by 15th November 2018, then this petition be listed for directions on 19th November 2018.

(K.R. SHRIRAM, J.)