

(102+3-C)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CP-21-2014 (O&M)

Date of decision: 06.05.2022

M/S INTERSCAPE

....Petitioner

Versus

LOK PRIYA BUILDWELL PVT LTD

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Waghley, Advocate for
Mr. Varun Katyal, Advocate for
for the petitioner
Mr. V.K.Sachdeva, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

This is a petition filed under Section 433, 434, 439 of the Companies Act, 1956 in the year 2014. After notice, reply to the petition was filed, however, no objection with respect to the territorial jurisdiction of the Company Court was taken. After a passage of nearly 8 years an application has been filed by the respondent-Company claiming that its registered office is in New Delhi and therefore, this Court does not have jurisdiction in view of Section 10 of the Companies Act, 1956.

Learned counsel representing the petitioner does not dispute the factual position. However, he submits that the matter may be transferred to the National Company Law Tribunal, New Delhi, because the same is maintainable there. He submits that since the respondent did not take this objection previously, therefore, the petitioner should not be relegated to file a fresh petition before the National Company Law Tribunal.

Keeping in view the facts of the case, this Court is of the considered view that the petition deserves to be transferred to the National Company Law Tribunal, Delhi Bench, for proceeding further. The office is directed to forward the paper book to the National Company Law Tribunal, New Delhi. The parties through their counsel are directed to appear before the Tribunal on 31.05.2022.

06.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE