

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

LPA-671-2022 (O & M)
Date of Decision: 23.01.2023

Shivam R Gupta

.....Appellant(s)

Versus

National Company Law Tribunal and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Sandeep K. Sharma, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

The present letters patent appeal is directed against the order dated 29.07.2022 passed by the learned Single Judge in CWP No. 3786 of 2022 in which the writ petition filed by the present appellant was dismissed. The relief claimed was for issuance of directions to decide the application bearing No. CA. 208/2012 which sought interim relief restraining respondent No.2 from alienating the assets in CP No.149/CHD/HRY/2019 under Section 7(7) of the Companies Act, 2013 which was pending before the National Company Law Tribunal.

The learned Single Judge did not deem it fit to interfere in the said proceedings in any manner. Resultantly, the present appeal has been filed.

On 16.08.2022, the following order was passed:-

“Learned counsel for the appellant states that the application for stay is now listed for hearing on 01.09.2022 and he would move an application before the National Company Law Tribunal (NCLT), Chandigarh Bench, for consideration of the stay

application on the said date.

Keeping in view the facts and circumstances of the present appeal, we are sanguine that if such a request is made, the NCLT will look into the same and pass appropriate orders.

List for consideration on 15.09.2022”

Thereafter, keeping in deference to the orders of this Court, the Tribunal protected the interest of the appellant by passing the following order:-

“Learned counsel for respondent Nos.1 & 2 is not present, as there has been a bereavement in his family. Pleadings are otherwise complete. In the meantime, if respondents want to have any alienation of the assets of the company then the factum of pendency of the present petition before this Bench be mentioned expressly in the document so executed for the purpose of alienation.

5. In the meantime, learned counsel for parties are directed to file their short written submissions alongwith supporting case law(s), if any, at least one week before the next date of hearing after exchanging copies with each order. The matter be listed on 03.11.2022 for arguments.

A perusal of the same would go on to show that the interest of the appellant has been protected by the Tribunal and, therefore, in our considered opinion, the present appeal has been rendered infructuous and the same is disposed of as such.

(G.S. SANDHAWALIA)
JUDGE

23.01.2023
shivani
Whether reasoned/speaking
Whether reportable

(HARPREET KAUR JEEWAN)
JUDGE
Yes
No