

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-6302-2024

Date of Decision: 04.04.2024

NAPINO AUTO AND ELECTRONICS LIMITED

... Petitioner

VERSUS

UNION OF INDIA, MINISTRY OF CORPORATE AFFAIRS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Anand Chhiber, Sr. Advocate with
Mr. Shikhar Sarin, Ms. Ateevraj Sandhu &
Mr. Vaibhav Sahni, Advocates for the petitioner.

Mr. Brijeshwar Singh Kanwar, Sr. Panel Counsel
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for seeking issuance of direction to respondent No.2 – The National Company Law Tribunal, Chandigarh Bench to pronounce the orders reserved by it on 02.02.2024 in CA No.13 of 2024 in CA (CAA) No.36/CHD/HRY/2023 and CA No.14 of 2024 in CA (CAA) No.38/CHD/ HRY/2023.

On the last date of hearing, learned Senior Counsel had sought time to complete instructions and to apprise this Court.

On resumed hearing, a short reply has been filed today in Court. Copy thereof has been furnished to learned senior counsel for the petitioner. The said short reply has been filed through the designated Registrar of respondent No.2 and it has been mentioned therein that the matter had infact not been reserved on 02.02.2024 and the said order of 02.02.2024 records that the

matter would be reserved only after the submission of relevant judicial precedents on the issue narrated therein. The petitioner had filed the relevant judicial precedents in compliance of the above said order on 09.02.2024, however, in the meanwhile, vide office order dated 03.02.2024, the judicial proceedings of all pending cases of NCLT Chandigarh, Bench-II were transferred to NCLT Chandigarh, Bench-I consisting of Hon'ble Member (Judicial) Shri Harnam Singh Thakur and Hon'ble Member (Technical) Shri L.N. Gupta. The proceedings were thus directed to be conducted by NCLT Chandigarh, Bench-I in all cases of NCLT Chandigarh, Bench –II until further orders. The Member (Technical) of Bench-II had sought internal clarification from the Hon'ble President vide e-mail dated 13.02.2024 with regard to whether the matters involved in the present petitions, in which certain compliances were pending, would be treated as reserved or not. A response thereof was received on 04.03.2024 from the Registrar, NCLT, Delhi directing that the matters would not be deemed to be reserved and that the same be listed before the Bench-I of the NCLT, Chandigarh. It is informed that pursuant to such clarification, the matters cannot be held to be reserved. It is also averred that the Member (Technical) of Bench-I was on leave w.e.f. 04.03.2024 to 07.03.2024 and the matters were taken by a Special Bench. It is informed that all these three matters involved in the present petition have now been fixed for hearing on 08.04.2024 before the Regular Bench-I comprising of Hon'ble Member (Judicial) Shri Harnam Singh Thakur and Hon'ble Member (Technical) Shri L.N. Gupta.

The abovesaid short reply is duly supported by the affidavit of designated Registrar of NCLT, Chandigarh.

I am satisfied with the explanation furnished by respondent No.2 and do not find any ground to assume that there has been any undue or inordinate delay in pronouncement of the orders.

Learned counsel for the petitioner, however, contends that the merger of the company is withheld on account of delayed adjudication of the applications and that he would be satisfied in case an expeditious decision on the above mentioned applications.

Without commenting on the merits of the present case any further, the present writ petition is disposed of as having been rendered infructuous. The NCLT, Chandigarh, Bench-I is, however, requested to examine the difficulties highlighted by the petitioner's counsel and take an expeditious decision on the applications, which are now listed for arguments on 08.04.2024.

Disposed of accordingly.

APRIL 04, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No