



\$~O-62

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 721/2025, I.A. 25206/2025, I.A. 25207/2025, I.A. 25208/2025, I.A. 25209/2025, I.A. 25210/2025 and I.A. 25648/2025**

MS. JYOTI KAUSHIK AND ORSPlaintiffs

Through: Mr. Praveen Suri and Ms. Amol Kaur,
Advts.

versus

SH PRAKASH KUMAR AND ORSDefendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **14.10.2025**

1. During the course of hearing, the Court was of the *prima facie* opinion that the relief which is prayed in the instant civil suit is amenable to be adjudicated by the Tribunal and, therefore, under Section 430 of the Companies Act, 2013, such a civil suit is barred.
2. Mr. Suri, learned counsel appearing for the plaintiffs, however, contends otherwise.
3. Reference can be made to the decision of the Supreme Court in the case of *Shailja Krishna v. Satori Global Ltd.*¹, where in paragraph Nos.30 and 31, the Supreme Court has held as under:

“30. The aforesaid decisions confirm the view that the National Company Law Tribunal/Company Law Board possess a wide jurisdiction to decide all such matters that are incidental and/or integral to the complaint

¹ 2025 INSC 1065



alleging oppression and mismanagement. Such power is, however, subject to any other legislative enactment specifically debarring the National Company Law Tribunal/Company Law Board from exercising its powers in this respect.

31. In the instant case, it is an admitted fact that the determination of whether the gift deed is valid or not is central to the decision herein and, therefore, the National Company Law Tribunal did have full jurisdiction to decide whether the gift deed is valid or not, or whether it is against the provisions of the Companies Act, 1956 and/or internal regulations of the company, including but not limited to the articles of association and the memorandum of association.”

4. In paragraph No.23 thereof, the Court had framed various issues, one of which was with respect to the jurisdiction of the NCLT to decide on the validity of a gift deed, and the said issue has been decided in terms of the above-quoted paragraph.

5. It is thus seen that even the aspects which relate to the validity of the document fall within the domain of the NCLT.

6. Let Mr. Suri to take instructions and to go through the said decision and to make submissions.

7. One of the arguments made by Mr. Suri is that he is neither a Director, nor a member of the company and unless shares are transferred to the plaintiff as prayed in the plaint, the NCLT perhaps may not be able to adjudicate the dispute which is sought to be agitated in the instant suit.

8. The aforesaid aspects will be considered on the next date of hearing.

9. List this matter on 29.10.2025.

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 14, 2025/P/MJ