

GAHC010067432022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/70/2022

M/S BOGIDHOLA TEA AND TRADING COMPANY PRIVATE LIMITED AND 2
ORS
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1913 HAVING
ITS REGISTERED OFFICE AT BOGIDHOLA TEA ESTATE, P.O. LETEKUJAN,
DIST. GOLAGHAT, ASSAM, AND ADMINISTRATIVE OFFICE AT 4TH FLOOR
PARAG BHAWAN, G.S. ROAD, ULUBARI, GUWAHATI 781007 DIST. KAMRUP
(M) REP. BY ITS MANAGER SRI SAILENDRA SINGH

2: PRAVIR KUMAR ROY
S/O LT. S.N. ROY
EXECUTIVE DIRECTOR BOGIDHOLA TEA AND TRADING COMPANY
PRIVATE LTD. HAVING ITS ADMINISTRATIVE OFFICE AT 4 TH FLOOR
PARAG BHAWAN G.S. ROAD
ULUBARI
GUWAHATI-781007 DIST. KAMRUP (M)

3: PREM KUMAR ROY
BOGIDHOLA TEA AND TRADING COMPANY PRIVATE LTD. HAVING ITS
ADMINISTRATIVE OFFICE AT 4 TH FLOOR
PARAG BHAWAN G.S. ROAD
ULUBARI, GUWAHATI-781007 DIST. KAMRUP (M)

VERSUS

SANJAY KUMAR SINGH AND ANR
S/O LT. KAMAKHYA KUMAR ROY, PERMANENT R/O MOHMIKI GAON, P.O.
BOKAKHAT-785612 DIST. GOLAGHAT, ASSAM

2: ABHAY KUMAR SINGH
S/O LT. TARUN KUMAR ROY
R/O ASSAM COTTAGE
LUKAIKHERA
LOKNAGAR
UNNAO-209801, UTTAR PRADESH

Advocate for the Petitioner : MR. D SAIKIA
Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

04-04-2022

Heard Mr. D. Saikia, learned senior counsel representing the petitioners.

The petition is **admitted**.

Call for the records.

Issue **notice**.

The petitioners shall, within seven days from today, take steps for service of notice upon the respondents by registered post with A/D Card as well as under any other mode, prescribed by the CPC.

I have perused the petition and annexures furnished therewith including the impugned orders.

The learned senior counsel for the petitioners has referred to the impugned orders, particularly, the orders dated 24-02-2022 and 11-03-2022, annexed with this petition at page 127 and 129 respectively. He has submitted that the review application filed by the petitioner was disposed of vide order dated 11-03-2022, passed in Item No. 12, Cont. Appln. No. 1 of 2020 in TP MP/ 26/GB/2016 [C.P. No. 80 of 2000].

While passing the said order, the learned NCLT has also disposed of the Review Application filed in respect of the order dated 28-01-2022, passed by the NCLT on the ground that there is no merit in the said review application, i.e., I.A. No. 05/2022.

It has been brought to the notice of this Court by the learned senior counsel for the petitioners that while disposing of the Review Application No. 05/2022 by

the aforesaid order, it was not notified for hearing to the review petitioner/respondent and even on the date of the order, i.e., on 11-03-2022, the Review Application was not mentioned in the Cause List to indicate that the said Review Application would also be taken up for disposal by the said order. Therefore, it, *prima facie*, appears that the Review Application, aforesaid, was disposed of without the knowledge of the respondent/review petitioner and all of a sudden.

Considering the submissions made by the learned senior counsel for the petitioner and specifically the argument in respect of the manner in which the Review Application No. 05/2022 was disposed of, this Court is of the view that further proceedings in connection with CP No. 80/2000, pending before the NCLT, Guwahati Bench, be stayed. Accordingly, all further proceedings of CP No. 80/2000 is stayed till the matter is listed in the third week of May, 2022.

Registry to list this matter in the third week of May, 2022 after service of notice is complete.

JUDGE

Comparing Assistant