

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3647 of 2026**

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SANIL SUTHAR
Versus
GAURAV SONI & ORS.

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Appearance:

MR RS SANJANWALA FOR RUSHABH H SHAH(7594) for the Petitioner(s)
No. 1

ARJUN R SHETH(7589) for the Respondent(s) No. 1,3,4

NOTICE SERVED BY DS for the Respondent(s) No. 2,5,6,7,8,9

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CORAM:HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Date : 24/03/2026

ORAL ORDER

1. Leave to amend is allowed. Necessary amendment to be carried out forthwith.
2. Present petition is filed by the petitioner under Articles 226 and 227 of the Constitution of India and under the provisions of the Companies Act, 1956 seeking following reliefs:-

- "A. That this Hon'ble Tribunal may be pleased to recall and/or review the order dated 20.1.2025 passed in TP No. 91 of 2016;
- B. That this Hon'ble Tribunal may be pleased to set aside and waive cost of Rs.50,000/- imposed on the Advocate for the respondents No.2 to 5;
- C. Pass any such other and further orders as this Hon'ble Tribunal may deem fit and proper in the facts and

circumstances of the case and in the interest of justice;"

3. It is contended by the petitioner that the petitioner herein is the original respondent No.2 in Transfer Petition No. 91 of 2016 [CP No. 14 of 2015] pending before the National Company Law Tribunal, Ahmedabad Bench (Court - II) and the said petitioner was listed before the Tribunal on 20.11.2025 and on that day, learned counsel for the petitioner addressed an email to the Registry of the Tribunal intimating that he was unable to attend the matter as he was not in town. It is also contended by the petitioner that the Tribunal has passed an order observing that the reason mentioned in the leave note was not satisfactory and granted adjournment subject to payment of costs of Rs.50,000/-, which was to be deposited with the Prime Minister National Relief Fund. It is further contended by the petitioner that Interlocutory Application being IA No. 143 of 2025 in CP No. 15 of 2015 came to be preferred before the Tribunal seeking review / recall of the order, which was dismissed by the Tribunal vide order dated 16.02.2026.

4. Being aggrieved the said order, the petitioner has preferred this petition.

5. Heard Mr.R. S. Sanjanwala, learned senior counsel for Mr.Rushabh Shah, learned counsel for the petitioner. Perused the material placed on record.

6. Considering the facts and circumstances of the case and the averments made in the petition and the submissions, the petition deserves consideration.

7. In view of the aforesaid aspect, the petition is allowed. The order passed by the Tribunal to pay penalty costs of Rs.50,000/- and to deposit the same in a particular fund is hereby quashed and set aside. The matter is remanded back to the concerned Tribunal and the Tribunal shall hear the matter and decide the same in accordance with law. In case the case precious absence by the learned counsel, the Tribunal is ordered to pass appropriate orders. There shall be no order as to costs.

(HEMANT M. PRACHCHAK,J)

V.R. PANCHAL