

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI

CP NO. 59/MB/2015

CA NO.


PRESENT: CHIEF JUSTICE M. M. KUMAR
CHAIRMAN

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE
COMPANY LAW BOARD ON 07.04.2016

NAME OF THE COMPANY: **Sh. Shailesh Nagindas Shah & Ors.**
Vs.
M/s. Sun Shine Realtors Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397, 398 of the Companies Act 1956.

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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1.	RAHUL CHITNIS i/b M/S. LS ASSOCIATES ADVOCATES & SOLICITORS	ADVOCATE	PETITIONERS	
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2.	Adv. Vikram Shah Atw Adv. Rajesh Sharma		Respondent No. 182	
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ORDER

CA No.174/MB/2015:

This is an application with a prayer for grant of permission to amend the Company Petition as per the schedule annexed with the application. A further prayer for carrying on consequential amendment has also been made. The aforesaid prayer has been sought without prejudice to the interlocutory orders dated 01.09.2015 and 30.09.2015 passed in CA No.129/2015 and CA No. 79/2015 respectively and other orders.

P.T.O.

2. A perusal of the schedule would show that the amendments have been sought in respect of events which have taken place subsequent to the date of the filing of the C.P. It is appropriate to mention that the C.P. was filed before the C.L.B. Bombay on 27.07.2015 and the events which are sought to be incorporated in various paras are subsequent to 27.07.2015. The supporting documents/annexures have also been added which relate to those events. Even additional respondents have been added at sl. No. 26A, 26B, 27A, 27B, 28 & 29 who gained relevancy subsequent to 27.07.2015.
3. The application for amendment has been opposed and a rejoinder has been filed.
4. In the reply respondents have made bald statement that the application has been filed with malafide intention of harassing respondent No.1, 2 & 3. Some submissions have also been made on merits which would not be relevant for amendment. The fact could be controverted that the amendment is in respect of events which are subsequent to the filing of C.P. The applicant-petitioner has reiterated the averments made in the rejoinder.
5. I have heard the Id. counsel for the parties and have perused the records with the assistance of the counsel.
6. Following the principle of Order VI Rule 17, I believe that the nature of amendment sought to be incorporated is permissible because the amendment is in respect of those events which have arisen after the filing of the C.P. In order to shorten the litigation, to preserve and safeguard the rights of both the parties and to subserve the ends of justice, amendment of such a nature is ordinarily allowed. In that regard reliance may be placed on the observations made by Hon'ble Supreme Court in para 17, 18 & 19 of the judgment rendered in the case of Rajesh Kumar Aggarwal and Ors. v. K.K. Modi and Ors. (2006)4SCC 385. Accordingly application for amendment is allowed. The applicant-petitioner is permitted to file amended petition within a period of two weeks with a copy in advance to the counsel for the non-applicant-respondent. Reply to the amended petition, if any, be filed within two weeks thereafter with a copy in advance to the counsel for the Petitioner.
7. List on 10.05.2016 at 10.30 AM.


[CHIEF JUSTICE M.M. KUMAR]
CHAIRMAN

Date: 07.04.2016
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