

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5042 of 2021**

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DINESHCHANDRA BHAGWANDAS JARIWALA
Versus
RESOLUTION PROFESSIONAL OF SWISS RIBBONS PVT. LTD. GEORGE
SAMUEL
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Appearance:
MR VISHWAS K SHAH(5364) for the Petitioner(s) No.
1,10,11,12,2,3,4,5,6,7,8,9
for the Respondent(s) No. 1,2,3,4,5
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CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 18/03/2021

ORAL ORDER

Heard learned advocate Mr.Vishwas K Shah for the petitioners. It is pointed out from the averments made in paragraph 2.18 of the petition that the respondent no.5-National Company Law Tribunal ('NCLT' for short) had heard all the matters and the matters were reserved for judgment vide order dated 19.1.2020. Thereafter, matters were not notified in the cause list published by NCLT for pronouncement. The advocates of the petitioners were regularly checking the cause list daily of Court no.2 of NCLT, Ahmedabad to track the pronouncement of the matter. It is further stated that on 8.3.2021, the petitioners got an e-mail from RP intimating uploading of order dated 1.3.2021 on NCLT

website. When the petitioners checked the cause list of 1.3.2021, it was revealed that the matter of the petitioners was not listed in the said cause list or the supplementary cause list. Hence, there is no pronouncement in realm of law. Learned advocate has referred to page nos.365 and 381 of the compilation in support of the aforesaid statement. At this stage, learned advocate has referred and placed reliance upon the decision rendered by the Bombay High Court in the case of *Kamal K Singh V/s Union of India, Through the Ministry of Corporate Affairs and Others being Writ Petition (L) No.3250 of 2019 decided on 29.11.2019* and submitted that in almost similar type of facts, the Bombay High Court has quashed the order and matter was remanded back to NCLT. Copy of the said decision is placed on record.

In view of the aforesaid submissions canvassed by learned advocate for the petitioner, issue Notice to the respondents returnable on 28.4.2021. Till next date of hearing, ad-interim relief in terms of paragraph 9(B) is granted. Direct service is permitted.

SRILATHA

(VIPUL M. PANCHOLI, J)