

ITEM NO.10

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 722/2019

SONU CARGO MOVERS (I) PVT. LTD. & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.85878/2019-EX-PARTE STAY)

WITH

SLP(C) No. 13402/2019 (III)

(FOR ADMISSION and I.R. and IA No.85913/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 20-06-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE SURYA KANT
(VACATION BENCH)

For Petitioner(s)

Ms. Meenakshi Arora, Sr. Adv.
Mr. Gaurav Goel, AOR
Mr. Devyanshu Sharma, Adv.

For Respondent(s)

Mr. Gaurav Mathur, Adv.
Ms. Anushree Prashit Kapadia, AOR

Mr. Vikramjit Banerjee, ASG
Mr. Sanjay Kumar Tyagi, Adv.
Mr. Sachin Sharma, Adv.
Anshul Gupta, Adv.
Mr. Siddhartha Sinha, Adv.
Mr. Arvind Kumar Sharma, Adv.

Mr. Mrigank Prabhakar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The grievance of the petitioners was that their matter was being heard by a Bench in which there was no technical member. Today it is pointed out that an order has been issued by the Ministry of Corporate Affairs appointing the technical members in

the Bench of the National Company Law Tribunal ("NCLT") at Ahmedabad.

We therefore, dispose of these petitions with a direction that the case of the petitioners be heard by a Bench comprising of a judicial member and a technical member.

Ms. Meenakshi Arora, learned senior counsel has raised the issue that despite judgment passed in Swiss Ribbons Private Ltd. & Anr. vs. Union of India & Ors. (2019) 4 SCC 17, it is not the Law Ministry but the Ministry of Corporate Affairs which is ordering the appointment of the members of the NCLT.

We are not going into that question in this case and leave it open for decision in an appropriate case.

Pending application(s), if any, shall stand disposed of.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER