

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPEAL NO.16 OF 2008

In

CLB COMPANY APPLICATION NO.102 OF 2007

In

CLB COMPANY PETITION NO.55 OF 2006

WITH

COMPANY APPLICATION NO.1050 OF 2008

In

COMPANY APPEAL NO.16 OF 2008

In

CLB COMPANY APPLICATION NO.102 OF 2007

In

CLB COMPANY PETITION NO.55 OF 2006

Chetan Consultants Pvt. Ltd. & Ors. : Appellants

(Orig.Resp.nos.1 to 8,

10,9 & 12 & 13)

V/s.

Mool Chand Shah & Ors. : Respondents

...

Mr.Aspi Chinoy, Senior Advocate, with Mr.P.Mody,

Mr.Naushad Engineer, Ms Nevilli Lakhani and Pinky Patel

i/b. Desai & Diwanji for the appellant.

Mr.Ravi Kadam, Advocate General, with Mr.M.P.S.Rao and

Mr.Raj Mehta i/b. RKM Legal Service for resp. nos.1 to 4.  
Mr.J. Reis with Mr.Y.M.Chaudhari and Mr.Kunal Cheema for  
respondent nos.5 & 6.

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**CORAM : S.A.BOBDE, J.**

DATE : JULY 31, 2008.

**P.C.**

Admit.

The learned counsel for the respective respondents  
waive service.

By consent, taken up for for final hearing.

2. The order in appeal dated 5.3.2008 passed by the  
Company Law Board is a cryptic order which does not  
consider the entitlement, if any, of the intervenor to be  
impleaded as the respondent. The order proceeds on the  
basis of no objection given by the petitioners. The  
learned counsel for the respondents agree that the order  
in appeal be set aside and the matter be remanded to the  
Company Law Board for a fuller consideration of the issues  
involved and a reasoned order thereon.

3. The order in appeal is, therefore, set aside and the  
matter is remanded back to the Company Law Board for a  
decision on the application for intervention. The Company  
Law Board may decide the matter within three months after  
receiving the writ of this order from this Court. The

parties are at liberty to file further affidavits and pleadings, as may be advised.

4. The Company Appeal stands disposed of.

5. In view of the disposal of the Company Appeal, Company Application no.1050 of 2008 does not survive and the same stands disposed of.

S.A. BOBDE, J.