

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT - 2

ITEM No.221-IA/79(AHM)2022
in
CP/22(AHM)2022

Proceedings under Section 241-242 of Co. Act, 2013

IN THE MATTER OF:

Iqbal singh Jagdish singh Saluja & Anr
V/s
Sahiba Limited & Ors

.....Applicant

.....Respondent

Order delivered on: 13/02/2025

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)
Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

PRESENT:

For the Applicant : Ms. Pinal Shukla, PCS for Mr. Dhiren Dave, Adv.
For the Respondent : Mr. Aditya Chaudhary, Adv. for Mr. Parth Contractor

ORDER

IA/79(AHM)2022

On 06.02.2025 this IA was listed as Ld. Counsel Mr. Dhiren Dave filed an application for withdrawing the same along with other matters. On perusing the matter, it appears that his vakalatnama was not there on record though he has appeared many times in the matter. Therefore, we directed to file his vakalatnama or the Ld. counsel on record should file withdrawal application. Ld. counsel under took to file vakalatnama with the no objection of earlier Advocate on the same date. However, till the end of day no vakalatnama was filed on record, therefore, the matter was listed today.

When the matter was called today Proxy PCS for the applicant appeared and submitted that they have filed vakalatnama in the matter and requested to allow the withdrawal. On perusal of record, it was revealed that though the vakalatnama was filed online its physical copy was not found. After searching with the Registry, it was revealed on 07.02.2025 the vakalatnama was filed.

The applicant is allowed to withdraw the IA as amicable settlement was reached. However, it is pertinent to note that the applicant/Adv. is trying to withdraw the IA without filing his vakalatnama for appearance on record. He has appeared in the matter since July 2023 instead of Ld. Counsel Mr. Jaimin Dave who was earlier appearing. He has also appeared and argued the matter along with Senior Counsels. It was duty of the appearing Advocate to file his Vakalatnama along with no objection from the previous Advocate before appearing in the matter. It is very serious act, on the part of the Advocate to withdraw the matter without filing a Vakalatnama on

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behalf of the Applicant. Hence, cost of Rs.25,000/- is imposed upon Ld. Adv. Mr. Dhiren Dave to be paid to the Prime Minister National Relief Fund within one week and report compliance.

In view of the same, IA/79(AHM)2022 is disposed-off as withdrawn.

Sd/-

DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

Sd/-

CHITRA HANKARE
MEMBER (JUDICIAL)