

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2017
(D 31983)

BRIAN LAU ... Appellant(s)

Versus

S3 ELECTRICAL AND ELECTRONICS PVT. LTD. & ANR. ... Respondent(s)

O R D E R

The National Company Law Appellate Tribunal (NCLAT) order has essentially allowed the appeal on the ground that since no notice given by the tribunal to the debtor, natural justice would be violated.

In the course of its judgment, the NCLAT stated that other records such as Unsecured Loan Agreement dated 18.06.2014 and other communications cannot be taken into account to show evidence of default. If otherwise permissible in law, these documents can also be taken into account as and when the appellant applies afresh in a fresh petition before the NCLT.

The appeal is disposed of accordingly.

.....J.
(ROHINTON FALI NARIMAN)

.....J.
(SANJAY KISHAN KAUL)

New Delhi,
Dated: 13th November, 2017.

ITEM NO.8

COURT NO.12

SECTION XIV

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

CIVIL APPEAL Diary No(s). 31983/2017

(Arising out of impugned final judgment and order dated 02-08-2017 in CA No. 109/2017 02-08-2017 in CA No. 104/2017 passed by the National Company Law Appellate Tribunal)

BRIAN LAU

Petitioner(s)

VERSUS

S3 ELECTRICAL AND ELECTRONICS PVT. LTD & ANR.

Respondent(s)

(IA No.113970/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.113969/2017-STAY APPLICATION and IA No.113966/2017-CONDONATION OF DELAY IN FILING APPEAL and IA No./- and IA No.118724/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 13-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Siddharth Kotwal, adv.
Ms. Bansuri Swaraj, Adv.
Ms. Shreya Bhatnagar, Adv.
Mr. Raghunatha Sethapathy, Adv.
Ms. Astha Sharma, AOR

For Respondent(s)

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

Delay condoned.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)

AR CUM PS

(Signed order is placed on the file)

(SAROJ KUMARI GAUR)

BRANCH OFFICER