

**S.M. Telesys Ltd. Vs. Esquire Electronics Inc.**

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**SooperKanoon Citation :** [sooperkanoon.com/769390](http://sooperkanoon.com/769390)

**Court :** Rajasthan

**Decided On :** Jan-11-2008

**Reported in :** [2008]88SCL43(Raj)

**Judge :** Ajay Rastogi, J.

**Appellant :** S.M. Telesys Ltd.

**Respondent :** Esquire Electronics Inc.

**Disposition :** Appeal dismissed

**Judgement :**

ORDER

**Ajay Rastogi, J.**

1. Instant appeal has been filed under Section 10F of Companies Act, 1956 assailing interim order passed by Company Law Board dated 4-6-2007.

2. Company petition has been filed by respondent herein under Sections 397 and 398 read with Sections 402 and 403 of Companies Act with regard to operation and mismanagement. Pending petition, company application was filed in which the Board after taking into consideration the material passed interim order on 4-6-2007. It has also come on record that in separate Company Application No. 177/07 further order was passed by Board on 11-5-2007 which was independently

assailed by present appellant by Company Appeal No. 5/07 and which has been decided by this court on 27-7-2007 and the appellant was granted liberty to raise objections including jurisdiction of Company Law Board in passing interim order before the Board as such.

3. Respondents have filed reply to the present appeal and it has been brought to the notice of this court that Company Petition No. 67/06 has been heard and parties have been called upon to submit their written arguments and the matter is coming up before the Board on 22-1 -2008 for final hearing.

4. Counsel for appellant has raised certain objections about passing of interim order dated 4-6-2007. All objections are based on factual appreciation and he has an opportunity to file application for vacation/modification of interim order which has been assailed in the instant appeal under Section 10F of the Companies Act where appeal can be filed only against order where any question of law emerges for consideration.

5. This court has heard the parties and does not find any question of law which emerges for consideration arises from the order which is impugned in the instant appeal dated 4-6-2007.

6. Consequently, the appeal fails and is hereby dismissed./However, appellant will be at liberty to raise objections by filing proper application before the Company Law Board.

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