

Partha Ghosh and anr. Vs. Pragati 47 Development Ltd. and ors.

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Court : Kolkata

Decided On : Oct-05-2010

Judge : I . P. Mukerji, J.

Appeal No. : APOT No. 557 of 2010

Appellant : Partha Ghosh and anr.

Respondent : Pragati 47 Development Ltd. and ors.

Advocate for Def. : Mr. Utpal Bose, Adv.

Advocate for Pet/Ap. : Mr. S.N.Mukherjee, Sr. ; Mr. Ratnanko Banerjee, Adv.

Judgement :

The Court : This appeal against the order dated 1st October, 2010, passed by the Company Law Board is admitted.

By consent of the parties, the appeal itself is disposed of by this order. Though the order under appeal recites the respective contentions of the parties, there are no reasons in the order for not granting the interim reliefs prayed for in the application. If interim reliefs are prayed for and not granted, reasons ought to be provided for not granting it, after considering the established principles of prima facie case, balance of convenience and irreparable injury.

As the order does not provide reasons, a question of law arises from such order. This order is set aside. The Company Law Board is directed to expeditiously pass

an order in the interim application before it, with reasons. In the facts and circumstances, both the sides should be heard afresh before passing such order.

The appeal is allowed to the above extent.

All undertakings are discharged. All parties concerned are to act on a signed photocopy of this order upon the usual undertakings.

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