



**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH - I**

**C.A. No. 347/2025 & I.A. No.
9/2026 in C.P. No. 116 (MB) 2025**

*Under Rule 11 of NCLT Rules,
2016.*

**In the matter of and in C.A.
347(MB)/2025**

Ghatge Patil Automobiles Pvt. Ltd.
...Applicant

Versus

Ms. Nutan Pradhan and Anr.
...Respondents

**In the matter of and in I.A.
(Companies Act) 9 (MB)/2026**

Nutan Pradhan
...Applicant

Versus

Ghatge Patil Automobiles Pvt. Ltd.
& Ors.
...Respondents

In the matter of

Nutan Pradhan.
...Petitioner

Versus

Ghatge Patil Automobiles Pvt. Ltd.



and Ors.

...Respondents

Order pronounced on 05/06/2026

Coram:

Prabhat Kumar

Member (Technical)

Sushil Mahadeorao Kochey

Member (Judicial)

Appearances in C.A. 347(MB)/2025:

For the Applicant : Adv. Prachi Wazalwar
For the Respondent No. 1 : Adv. Haaris Koradia

Appearances in I.A. 9(MB)/2026:


For the Applicant : Adv. Haaris Koradia
For the Respondents : Adv. Jinal Gogri, Adv. Megh Soni
for R-7; Adv. Prachi Wazalwar for
R-2; Adv. Yahya Batatawala for R-
3 & 5

ORDER

Per: Coram

Brief Facts

1.1. On 24.04.2024, Nutan Pradhan (Petitioner in Company Petition) executed a Gift Deed in favour of Mr. Kiran J. Patil (Original Respondent No. 7) whereby the Petitioner transferred, by way of gift, 5,000 fully paid-up equity shares of Ghatge Patil Automobiles Pvt. Ltd. (Company/Original Respondent No. 1), bearing face value of Rs. 100/- each, carrying



distinctive numbers 31334 to 36333 and Share Certificate No. 52 (said 5,000 shares). The said gift was duly accepted by Original Respondent No. 7.

1.2. On 29.04.2024, Original Respondent No. 7 made an application to the Company for registration of the transfer of the said 5,000 shares gifted in his favour by the Petitioner. Notwithstanding the said application, the Company failed to take any decision thereupon.


1.3. Being aggrieved by the inaction on the part of the Company in registering the aforesaid transfer of shares, Original Respondent No. 7, in July 2024, instituted CP No. 149 of 2024 before this Tribunal, invoking the jurisdiction under Sections 56, 58 and 59 of the Companies Act, 2013, seeking rectification of the Register of Members of the Company.

1.4. This Tribunal *vide* its Order dated 24.03.2025, directed the Applicant therein to prefer a fresh application before the Company within a period of one week from the date of the said order, accompanied by a complete set of duly notarised documents. The relevant extract of the said Order is as under:

“We are of this view that the Petitioner shall make another fresh Application to the Company within a period of 1 week from today, with the entire set of documents duly notarized, to the Respondent Company. The company may take decision on this application within 3 weeks thereafter. If the parties are still not satisfied, they may re-approach this Tribunal with their grievances. The CP / 149 /2024 is accordingly dismissed at the admission stage itself.”


1.5. Being Aggrieved by the aforesaid order dated 24.03.2025, the Company preferred an appeal before the Hon'ble NCLAT, registered as Company Appeal (AT) No. 205 of 2025.

1.6. In the interregnum, and in compliance with the Order dated 24.03.2025 passed by this Tribunal, Original Respondent No. 7 made endeavours to register the transfer of shares and addressed correspondences to the



Company dated 25.03.2025, 05.05.2025 and 14.05.2025, seeking registration of the said transfer.

- 1.7. In response to the aforesaid correspondences, the Petitioner received a reply from the Company *vide* letter dated 15.05.2025, wherein the Company communicated as follows: *“We are in receipt of your above referred letters. We wish to inform you that your submissions are not tenable. Please take note of the same.”*
- 1.8. The Petitioner thereafter received a Notice dated 24.05.2025, convening an Extraordinary General Meeting (EOGM) of the Company on 21.06.2025, wherein it was proposed to amend the Articles of Association of the Company by introducing provisions to restrict the transferability of shares held by the shareholders of the Company.
- 1.9. Being aggrieved by the aforesaid actions, the Petitioner instituted the Company Petition No. 116 of 2025 (Captioned Petition/Present Petition) before this Tribunal under Sections 241 and 242 of the Companies Act, 2013.
- 1.10. This Tribunal *vide* order dated 20.06.2025 granted ad-interim relief by deferring the proposed EOGM scheduled for 21.06.2025. The said ad-interim relief was further continued *vide* the subsequent Order dated 04.07.2025 passed by this Tribunal.
- 1.11. This Tribunal *vide* Order dated 01.08.2025 recorded that the Counsel for the Petitioner had offered to hand over the original Share Certificate along with the original Share Transfer Form; however, the Respondents raised objection to the said transfer on the ground that the petition had been filed by the transferor and not the transferee.
- 1.12. The Hon'ble NCLAT *vide* its Order dated 04.09.2025 passed in Company Appeal (AT) No. 205 of 2025, directed the Transferee to file colour photocopies of the original documents with the Company. The relevant extract of the order is as follows: *“The Learned Counsel for the Respondent submits he has no objection to the compliances of aforesaid*




Sections. However, he apprehends in case the original certificate is handed over to the appellant company, it may tamper with documents. Let them file a colour photo copy of such original documents and be also filed as a matter of record with the Ld. NCLT and in case of any alleged tampering, the Respondent may report to the Ld. NCLT.”

1.13. This Tribunal *vide* Order dated 11.09.2025, took on record the colour copy of the Share Transfer Form and the Share Certificate, and directed the Original Respondents to take a decision on the application for transfer of shares within a period of 30 days of the same being duly lodged with the Company. The relevant extract of order is as follows:

“Ld. Counsel for the Petitioner takes us through an order dated 04.09.2025 passed by Hon'ble NCLAT in Company Appeal 250/2025 arising from final order passed in CP 149/2024 by Court No. 2 of this Tribunal. The Petitioner before us is the transferor of the shares and informs that pursuant to said order, they are ready to handover the original share certificates to the transferee for necessary lodgement with the Respondent Company for effectuating the transfer in their records. He also places on record colour xerox copy before this Tribunal for the record and hand over colour copy thereof to the Respondent. Said submissions are noted.” This Tribunal further directed that no meeting of the shareholders shall be convened for any date prior to the communication of the approval or rejection of the aforesaid transfer in favour of the Transferee.

1.14. On 12.09.2025, Original Respondent No. 7 visited the Registered Office of the Company for the purpose of handing over the original Share Transfer Form and the Share Certificate; however, the same were accepted by the Company only on 13.09.2025.

1.15. The Company on 17.09.2025 issued a notice for convening an EOGM on 11.10.2025 seeking to amend the Articles of Association of the company. Since, the petitioner's daughter's wedding was scheduled on



that day, the petitioner filed IA No. 177 of 2025 before this tribunal to defer the said meeting, this tribunal *vide* order dated 01.10.2025 directed the Company to defer the date of the EOGM to any date on or after 13.10.2025.


1.16. Subsequently, the company informed the petitioner and Original Respondent No. 7 that their application for transfer of shares stands rejected. Further, The Company proceeded to conduct its EOGM on 13.10.2025 at which the proposed resolution seeking to amend the Articles of Association of the Company was passed.

1.17. This Tribunal *vide* Order dated 17.10.2025, permitted the Petitioner to file an appropriate application for amendment of the Company Petition so as to bring on record the facts and circumstances pertaining to the said amendment to the Articles of Association. The relevant extract is as follows: *“For the amendment, the petitioner is directed to file the appropriate application for carrying out those amendments giving complete particulars of the proposed amendment for consideration.”*

1.18. In compliance with the aforesaid directions, the Petitioner has filed IA 9/2026 whereby, the Petitioner is seeking to amend the Petition in terms of the draft amendments proposed in the Schedule to the Company Application. The Petitioner prays as follows:


- a) Pending the hearing and final disposal of this Company Petition, this Tribunal be pleased to allow the proposed amendments to the Company Petition in terms of the Schedule annexed at Exhibit "P" hereto and permit the Petitioner to consequently amend the Company Petition;*
- b) Such other and further relief as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.*

1.19. The Company has in the meanwhile, filed Company Application No. 347/2025 seeking dismissal of the Captioned Company Petition. The Applicant/Company prays as follows:

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- a. To allow the present Application;*
 - b. To dismiss the above captioned Company Petition 116 (MB) 2025;*
 - c. To not proceed any further with above captioned Company Petition 116 (MB) 2025 pending the proceeding and final disposal of the present Company Application;*
 - d. To issue stay against the proceedings of Company Petition 116 (MB) 2025;*
 - e. To grant any other relief as this Hon'ble Tribunal may deem fit and proper in interest of justice and equity.*

2. Comp. Appl. 347 (MB) 2025

- 2.1. The Ld. Counsel for the Applicant/Original Respondent No.1 herein (Company) submits that the Original Petitioner/Respondent herein has not brought on record any Board action that is burdensome, wrongful, oppressive, or continuing in nature, nor any instance of mismanagement. The present petition is, in substance, a transfer dispute dressed in the language of Sections 241 and 242. The objections raised against the proposed amendments to the AOA, restricting share transfers and modifying the notice period for general meetings, relate to matters entirely within the legal framework governing private limited companies under the Companies Act, 2013.
- 2.2. The Ld. Counsel for the Applicant further submits that the original transfer documents purportedly executed on 24.04.2024 were not lodged with the Applicant until 13.09.2025. The petition, filed on 12.06.2025, is therefore premature, as no cause of action as recognised in law had arisen prior to its filing, and the invocation of Section 56 of the Companies Act, 2013 is accordingly not maintainable.
- 2.3. It is submitted that the premise of the present petition, seeking transfer on the basis of notarized documents and the statutory mode of lodgment was




directly and substantially in issue in Company Appeal (AT) No. 205/2025, which was disposed of on 04.09.2025. The Petitioner cannot seek to re-litigate issues that have already attained finality.

- 2.4. It is further submitted that the Original Respondent No. 7 had preferred C.P. No. 117 (MB)/2025 prior in time to the present petition. The issues raised and reliefs sought in present petition are directly and substantially the same as those in C.P. No. 117 (MB)/2025. The Petitioner and Original Respondent No. 7 are pursuing substantially overlapping remedies in parallel, which is indicative of forum shopping. The present petition is accordingly hit by the principles of *res sub-judice* and multiplicity of proceedings and is liable to be dismissed.
- 2.5. The Ld. Counsel for the Applicant further submits that the reliefs sought in the present petition have been substantially addressed through the following sequence of events: the Hon'ble NCLAT's order dated 04.09.2025 directing lodgement in accordance with law; this Tribunal's order dated 11.09.2025 restraining convening of any shareholder meeting prior to communication of the transfer decision; actual lodgement on 13.09.2025; notice for EOGM dated 17.09.2025; this Tribunal's order dated 01.10.2025 postponing the EOGM; communication of the Company's decision on 11.10.2025; and the EOGM held on 13.10.2025. The reliefs originally sought, being directed against the EOGM of 21.06.2025 and premised upon the earlier transfer circumstances, no longer survive, and the petition stands infructuous.
- 2.6. Further, it is submitted by the Applicant that the Petitioner's purported shareholding which forms the sole basis for her locus to approach this Tribunal is presently under challenge in Special Civil Suit No. 107/2024 pending before the Court of the Civil Judge, Senior Division, Kolhapur. Given that the Petitioner's very status as a shareholder is in dispute and the matter is *sub-judice*, she has no locus standi to maintain the present petition, which ought to be stayed or dismissed on this ground alone.



- 2.7. Per contra, the Ld. Counsel for the Respondents submits that the Applicant's reliance on the principles of *res judicata* and *res sub-judice* is incorrect and fundamentally flawed.
- 2.8. On the issue of *res judicata*, it is submitted that the present Company petition is filed under Sections 241 and 242 r/w Sections 58 and 59 of the Companies Act, 2013, to demonstrate that the proposed amendments, since passed by virtue of the EOGM dated 13.10.2025, are illegal and oppressive. Separately, Company Appeal (AT) No. 205/2025, filed by the Company before the Hon'ble NCLAT, challenged this Tribunal's order dated 24.03.2025 passed in C.P. No. 149 (MB)/2024, which was filed by the original Respondent No. 7 under Sections 58 and 59, seeking transfer of shares gifted to him under a Gift Deed dated 24.04.2024. The said Appeal has since been disposed of by the Hon'ble NCLAT.
- 2.9. It is submitted that the two proceedings involve different individuals acting in different capacities. Present petition has been filed by Nutan Pradhan as an existing shareholder, raising acts of oppression and mismanagement, of which the non-transfer of the gifted shares by her in favor her brother (subject matter of CP No. 149 of 2024) is only one of several grievances. C.P. No. 149 (MB)/2024, on the other hand, was filed by Kiran Patil solely under Sections 58 and 59, confined to the narrow issue of rectification of the register of members in respect of the said shares. This Tribunal merely directed the Applicant to decide on transferability upon submission of notarized documents. Aggrieved by the said direction, the Applicant preferred an appeal before the Hon'ble NCLAT in CA(AT) No. 205/2025. Neither the petition nor the appeal adjudicated upon oppression, mismanagement, or the Respondents' conduct in managing the Company's affairs, and both were therefore expressly limited in scope. Therefore, the principle of *res judicata* has no application whatsoever.
- 2.10. On the issue of *res sub-judice*, the Ld. Counsel for the respondents submits




that the invocation of Sections 241 and 242 of the Companies Act by Petitioner/ Respondent No. 1 herein as an existing shareholder to complain of mismanagement does not subsume, replace, or extinguish the independent statutory rights available to a transferee under Sections 58 and 59. The Companies Act confers an independent statutory right upon a transferee, in this case Respondent No. 2 herein, who has filed C.P. No. 117 (MB)/2025, to prefer an appeal in the event of refusal to register a transfer of shares. Such a right cannot be curtailed, diluted, or taken away merely because a transferor, as an existing shareholder in a separate and independent proceeding, raises a grievance relating to the transfer of the said shares in the course of alleging acts of oppression and mismanagement.

2.11. It is submitted that the test for *res sub-judice* is whether the subsequently filed petition involves the same core issue as the earlier petition, a test which is plainly not satisfied in the present case. Mere reference to common events in both petitions and the attachment of consequential prayers thereto does not attract the principle of *res sub-judice*. Accordingly, the captioned petition is maintainable.

2.12. The Ld. Counsel for the Respondents herein further submits that the orders passed by this Tribunal up to and including the order dated 17.10.2025, whereby Petitioner/Respondent No. 1 herein was granted liberty to file an application for amendment of the above petition in light of subsequent events, were concerned with addressing concerns arising from the acts committed by the Applicant. This Tribunal is yet to consider the effect and substance of the amendments made to the Articles of Association in light of the grounds raised by Petitioner/ Respondent No. 1 herein in the petition, and the additional grounds set out in IA No. 9/2026, which demonstrate that the amendments to the AOA deserve to be struck down as being oppressive.

2.13. None of the orders passed thus far remotely suggest that the petition has



been rendered infructuous, and it is wholly untenable and misconceived for the Applicant to contend otherwise. A plain reading of the orders relied upon demonstrates that none of them deal with or adjudicate upon the issues arising under the prayer clauses.

2.14. Heard Contentions of both the parties. The Applicant in this application primarily relies on the principle of *Res-judicata* and *Res sub-judice* for seeking dismissal of the captioned Company Petition. The applicant further contends that the reliefs sought in the captioned Company Petition have been rendered infructuous by subsequent orders and compliance.

2.15. The Ld. Counsel for the Applicant has raised a preliminary objection that the present Company Petition does not make out a case of oppressive or wrongful actions of the Board, nor any instance of mismanagement, and that accordingly the petition ought to be dismissed at the threshold. We are of the view that the determination of this contention would necessarily require an examination of the pleadings and adjudication on the merits of the dispute. Such an exercise cannot be undertaken at this stage.

2.16. The Ld. Counsel for the applicant herein submits that issues in the captioned Company Petition have already been decided and reached its finality in Company Appeal (AT) No. 205 of 2025. We note that the said Company Appeal was filed by the company challenging this tribunal's order dated 24.03.2025 in C.P. No. 149 (MB)/2024. C.P. No. 149 /2024 was filed by Original Respondent No. 7/Respondent No. 2 herein (the brother of the Original Petitioner) under Sections 58 & 59, seeking transfer of 5,000 shares gifted to him under a Gift Deed dated 24.04.2024. This petition was against refusal by the company to transfer the shares gifted by original petitioner to her brother, Respondent No. 2 herein and consequential entry in register of members. The captioned Company Petition is filed under sections 241, 242 r/w sections 58 and 59 of the Companies Act, 2013. This petition is filed by the petitioner as an existing shareholder raising acts of oppression and mismanagement. Both the



proceedings involve different individuals in different capacities. The relief sought under both the petitions are distinct, hence the principle of *res judicata* has no application.


2.17. With regards to application of principle of res sub-judice we note that Original Respondent No. 7 has preferred C.P. No. 117 (MB)/2025 prior in time to present CP, and it is case of the Ld. Counsel for the applicant that the Petitioner and the Original Respondent No. 7 are pursuing substantially overlapping remedies in parallel proceedings. The prayers made in captioned Company Petition are directly and substantially the same as raised in C.P. No. 117 (MB)/2025. However, we note that C.P. No. 117 (MB)/2025 is filed u/s 56, 58 & 59 of the Companies Act, 2013 seeking directions from this tribunal and the present petition is filed by Nutan Pradhan as an existing shareholder under Sections 241 and 242, raising acts of oppression and mismanagement of a broader and continuing nature. The allegation of forum shopping is also without merit, as the two petitioners are different persons asserting different rights under different statutory provisions. This objection is accordingly rejected.

2.18. On the question of present Company Petition being infructuous, we are of the view that certain interim directions have been issued in the course of the proceedings, including directions relating to lodgement of transfer documents and the postponement of the EOGM, none of the orders passed have adjudicated upon the substantive merits of the petition or granted the final reliefs sought therein. The substantive questions of whether the amendments to the AOA are oppressive and contrary to the provisions of the Companies Act, 2013, remain entirely open for consideration by this Tribunal. This objection is accordingly rejected.

2.19. In view of the above, C.A. 347 (MB) 2025 is dismissed accordingly.

3. I.A. No. 9 (MB) /2026

3.1. The Ld. Counsel for the Original Petitioner/Applicant herein submits that




this Tribunal *vide* Order dated 17.10.2025 permitted the Petitioner to file an appropriate application to amend the Company Petition to bring on record the facts pertaining to the amendment to the Articles of Association of the Company/Respondent No. 1.

- 3.2. The Ld. Counsel for the Applicant herein submits that post the filing of the Petition, the conduct of Respondent Nos. 1 to 6 has continued to be oppressive. They have proceeded to pass the resolution to amend the Company's Articles of Association and have introduced amendments which are not only contrary to law but are oppressive, especially in the context of a family company / quasi partnership. These events have occurred subsequent to the filing of the Petition and constitute a continuous series of oppressive acts linked to the foundation of the Petition. As such, the Petitioner ought to be permitted to amend the Petition and place these facts on record and seek appropriate additional reliefs.
- 3.3. The Ld. Counsel further submits that the amendments, on settled legal principles, are liable to be allowed. In any Petition under Sections 59 r/w Sections 241 and 242, the events subsequent to the filing of the Petition are relevant to decide the controversy which arises between the parties. The amendments do not in any manner alter the cause of action which forms the foundation of the Petition and no prejudice whatsoever will be caused to the Respondents should the amendments be allowed.
- 3.4. The Ld. Counsel for the Respondents herein submits that the Amendment Application is wholly misconceived and legally unsustainable. The Applicant/Petitioner, under the guise of an amendment, is attempting to alter the entire substratum of the Company Petition. Having failed to exercise the statutory right of participation as a shareholder during the Extraordinary General Meeting held on 13.10.2025, the Petitioner is now seeking to shift the focus of the litigation to challenge concluded events

that occurred due to her own dilatory tactics.

- 3.5. The Ld. Counsel further submits that the Petitioner's status as a shareholder is currently the subject of a challenge before a Civil Court of Competent Jurisdiction at Kolhapur, rendering this application premature and the Petitioner's locus standi questionable. It is submitted that when the very title to shares is in dispute and pending adjudication before a Civil Court, a Petition under Sections 241-242 of the Companies Act, 2013, cannot be used to bypass those proceedings or pre-empt a judicial finding.
- 3.6. The Ld. Counsel contends that this application seeks to revive a dead Petition, inasmuch as the original reliefs sought in the Petition pertained to staying the EOGM that has already been validly conducted on 13.10.2025, and the Petition has therefore reached its logical conclusion. Hence, Proper recourse would be to approach the Hon'ble NCLAT rather than seek amendment of the Petition.
- 3.7. The Ld. Counsel further submits that the Company Petition was fundamentally built on the apprehension that the amendment to the AOA would prejudice Petitioner's rights regarding the transfer of her shares, this Tribunal had protected the Petitioner's interests by directing Respondent No. 1 to communicate a decision on the share transfer prior to the EOGM, and Respondent No. 1 has strictly complied with the said direction. Further, the Petitioner's subsequent conduct serves as a clear waiver of further objections. When the second EOGM was scheduled, the Petitioner raised no substantive objections to the proposed amendments, limiting her request solely to rescheduling the meeting on account of a personal event.
- 3.8. It is further submitted that Original Respondent No. 7 also preferred an Amendment Application, being IA/3/(MB)/2026 in C.P. No. 117 (MB)/2025, seeking amendment of C.P. No. 117 (MB)/2025. It is submitted that Original Respondent No. 7 has sought amendments of an identical nature, including addition of grounds and reliefs which are already sought in the present Application by the Petitioner. In view



thereof, the present Application is liable to be dismissed on the ground of multiplicity of proceedings, identity of reliefs, and abuse of process.

3.9. The Ld. Counsel further submits that the power of this Tribunal to allow an amendment to pleadings is strictly governed by Rule 155 of the NCLT Rules, 2016. For an Amendment Application to be maintainable, it must satisfy three mandatory conditions: (a) filing within 30 days of completion of pleadings; (b) the correction of a "defect or error"; and (c) necessity for determining the "real question" already raised in the proceeding. None of these statutory conditions are met in the present case.

3.10. Heard contentions of both the parties. This Tribunal *vide* order dated 17.10.2025 directed the petitioner to file appropriate application for carrying out amendments of the company petition to bring on record the facts pertaining to the amendment to the Articles of Association of the Company/Respondent No. 1. The relevant extract of the said order is as follows: *"In view of this request, the Respondent company shall also share the text of the resolutions about Extraordinary General Meeting (EOGM) within one week so as to enable her to define the scope of amendment proposed in the application. For the amendment, the petitioner is directed to file the appropriate application for carrying out those amendments giving complete particulars of the proposed amendment for consideration."*

3.11. Further, in the case of ***Life Insurance Corporation of India Limited vs. Sanjeev Builders Private Limited & Anr. (Civil Appeal No. 5909 of 2022)***, the Hon'ble Supreme Court held that in dealing with a prayer for amendment of pleadings, the court should avoid a hyper technical approach, and is ordinarily required to be liberal especially where the opposite party can be compensated by costs. Where the amendment would enable the court to pin-pointedly consider the dispute and would aid in rendering a more satisfactory decision, the prayer for amendment should be allowed.



- 3.12. In the present case, the applicant has sought to introduce facts relating to (a) refusal to register the gift / transfer of 5,000 shares from the Petitioner to Original Respondent No. 7; (b) deliberate amendments made to the Company's Articles of Association; (c) manner in which the EOGM was held. All these facts occurred after filing of the Company Petition and constitute a continuing series of acts linked to the foundation of the petition. Therefore, the amendment sought by the Petitioner, and consequently to be incorporated in the Petition, is relevant to deciding the real controversy arising between the parties and does not in any manner change or alter the character and nature of the Petition.
- 3.13. With regard to the issues of oppression and mismanagement raised by the Respondents in the present Application, it is observed that whether the Petition establishes acts of oppression or mismanagement can be examined only at the stage of adjudication of the Petition, at which time the Respondents would have been given an opportunity to respond to the amended Petition on merits. Therefore, such issues cannot be prejudged while deciding the limited question of amendment.
- 3.14. In view of the above, the Applicant is directed to carry out the amendments within one week from the date of this order, and serve a copy of amended Petition to the Respondents, who shall be at liberty to file additional reply to the amended Petition within three weeks after receipt of copy of amended Petition.

Sd/-

Prabhat Kumar
Member (Technical)

/A/

Sd/-

Sushil Mahadeorao Kochey
Member (Judicial)