NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) No. 435 of 2026

IN THE MATTER OF:

Dr. Hirenkumar Vipinchandra Shah ...Appellant

Versus

Dr. Nainesh Bhanubhai Patel & Ors. ...Respondents

Present:
For Appellant : Mr. Dhiren R. Dave, Advocate.
For Respondents : Mr. Nandan S. Soni, Ms. Natasha Shah, Advocates.

O R D E R
(Hybrid Mode)

17.11.2026: This company appeal is circumscribed under its own peculiar set of circumstances, and it is a very rare for us to be in, in an appeal of this nature. The impugned order, which is under challenge, is extracted hereunder:

> *"Heard Ld. Counsel for the Applicant. She is directed to collect the notices from the Registry and serve the same upon all the Respondents, along with a copy of the petition. Ld. Counsel for the Respondents are directed to file their replies in the matter.*
> *List the matter for further consideration on 29.10.2026."*

2. In the simpliciter proceedings drawn under Section 241 & 242 of the Companies Act, 2013, which are the original proceedings before the Ld. NCLT, Ahmedabad.

3. The Ld. Tribunal, by virtue of the impugned order, has only issued notices to the other side and has fixed a date. It's this order, which is being

put to challenge by the appellant on the pretext, that since he has raised a question of maintainability, the said question ought to have been considered even before the issuance of notices to the other respondents. It is absolutely preposterous to think about the said contention raised by the Ld. Counsel for the appellant, because the question of maintainability always remains a mixed question of fact and law, which is to be decided after the issuance of notices to all the parties to the company petition.

4. The preference for such a type of appeal is nothing but an abuse of the process of law. The company appeal is dismissed with heavy costs of Rs. 2 lakhs, to be paid by the appellant, to be deposited in the Prime Ministers Relief Fund, within one month from date of the order, otherwise it would be recovered from the appellant.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Arun Baroka]
Member (Technical)

[Indevar Pandey]
Member (Technical)

SA/rr