

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, PRINCIPAL BENCH,**  
**NEW DELHI**  
**Company Appeal (AT) No. 60 of 2022**

**IN THE MATTER OF:**

**Kimberley Engineers Pvt. Ltd.**

**....Appellant**

**Vs.**

**Manoj Khimji Katira & Ors.**

**....Respondents**

**Present:**

**For Appellant:- Mr. Kumar Anurag Singh, Mr. Zain A Khan, Mr. Akshay Goel, Mr. Udit Gupta, Advocates.**

**For Respondent:- Ms. Pooja Gera, Ms. Smriti Churiwal, Mr. Nitin Jain, Mr. Lalit Munshi, Mr. Akshay Nair, Mr. Chetan Kapadia, Mr. Siddhant Marathe, Advocates for R-1.**

**O R D E R**  
**(Virtual Mode)**

**06.07.2022:** Heard the Ld. Counsel for the Appellant. The Appellant has preferred this Appeal being aggrieved and dissatisfied by the order dated 24.02.2022 passed by the National Company Law Tribunal, Mumbai Bench, Court-IV in CA-71/2022 in CP/188(MB)/2021 whereby and whereunder the Tribunal passed the following orders:

*“As the Petitioner has raised serious objection with respect to the appointment of a particular Auditor irrespective of his raising objection in Board Meeting as well as in EOGM, this Bench is of the considered view that the Statutory Auditor's appointment in the EOGM held on 23.02.2022 be kept in abeyance till the next date of hearing. Copy of the CA-71/2022 has already been served by the Applicant to the Respondents. Respondents are directed to file reply for the same within 15 days with a copy served upon the Applicant.*

*List this matter for further consideration on 23.03.2022”*

2. This Appeal has been filed on 11.04.2022 and the matter was taken up by this Bench on 26.04.2022, the Ld. Counsel for the Appellant was directed

to file up-to-date order sheet passed by the NCLT in the matter and the matter was directed to be listed on 23.05.2022. The Ld. Counsel for the Appellant has filed the up-to-date order sheet. From the perusal of the orders dated 23.03.2022 it appears that the matter was directed to be listed on 15.06.2022.

3. The Order dated 23.05.2022 reveals that this Bench ordered that in the meantime status quo prevailing as on today shall be maintained by the parties.

4. The Ld. Counsel for the Respondent No. 1 has appeared and filed their reply affidavit which is taken on record.

5. The Ld. Counsel for the Appellant informed that due to status quo in the matter passed by this Bench, the matter could not be taken by the NCLT on 15.06.2022.

6. After hearing the parties, we request the NCLT, Mumbai Bench to take up the matter on the next date and consider the objection raised with respect to the appointment of a particular Auditor and pass appropriate orders in the matter.

7. With these observations, the instant Appeal is disposed off.

8. Registry to upload the order on the website of this Appellate Tribunal and send the copy of this order to the National Company Law Tribunal, Mumbai Bench forthwith.

**[Justice Anant Bijay Singh]  
Member (Judicial)**

**[Ms. Shreesha Merla]  
Member (Technical)**