



# GUJARAT HIGH COURT ADVOCATES' ASSOCIATION

1st Floor, Advocate Chamber's Building, High Court Campus, Ahmedabad-60.  
Phone : (079) 27663802 E-mail : ghaa1960@gmail.com Web : www.ghaa.in

## President

**Yatin N. Oza**  
M. : +91 98250 05256

## Vice President

**Prithviraj A. Jadeja**  
M. : +91 98257 80750

## Secretary

**Hardik D. Brahmhatt**  
M. : +91 98241 25353

## Joint Secretary

**Ami K. Patel**  
M. : +91 97129 52702

## Treasurer

**Savan N. Pandya**  
M. : +91 97230 32555

By e-mail & By R.P.Ad

Date: 14<sup>th</sup> May, 2020.

To

Hon'ble Acting President,  
National Company Law Tribunal,  
Principal Bench,  
6th Floor, CGO Complex,  
Lodhi Road, New Delhi-110003

**Sub: 1. Office order dated 30.04.2020 bearing Reference  
No. 10/36/2016 -NCLT**

**2. Office order dated 30.04.2020 bearing Reference  
No. 10/36/2016 -NCLT**

Sir,

Undersigned is the President of Gujarat High Court  
Advocates' Association (GHAA) having its office at 1<sup>st</sup>

## Committee Members

Darshan A. Dave	Penambhai G. Gadavi	Hardikkumar K. Raval	Himanshi R. Balodi	Falguni D. Trivedi	Akash J. Pandya	Kishan R. Chakrawala	Chirag A. Prajapati	Jolly N. Shah	Dipika P. Bajpai
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Floor, Advocates' Chamber Building, Gujarat High Court, Sola, Ahmedabad. Before I advert to the subject of the present letter, I wish that the Hon'ble the Acting President is in the best of the health.

It is not out of place to introduce GHAA before adverting to the subject matter of present letter. GHAA being the only recognized Bar Association by Hon'ble Gujarat High Court and functioning since 01.05.1960. GHAA is the Court-Annexe Bar Association (as described in decision of Hon'ble Supreme Court in case of *Supreme Court Bar Association Vs. B.D.Kaushik* reported at 2011 (13) SCC 774) having been allotted sufficient space within the premises of Hon'ble High Court of Gujarat. On 10.02.2020, GHAA passed resolution whereby members of GHAA resolved to extend the office of GHAA at National Company Law Tribunal, Ahmedabad. The intimation with respect to such resolution was conveyed to Hon'ble

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Members, Hon'ble National Company Law Tribunal, at Ahmedabad in person by undersigned on 11.02.2020 along with request for approval to GHCAA -NCLTA as Court-Annexe Bar Association attached to Hon'ble National Company Law Tribunal, at Ahmedabad. It is reliably learnt that the said application of GHAA is forwarded by Registrar, Hon'ble National Company Law Tribunal, at Ahmedabad to Registrar, Hon'ble the Principal Bench, New Delhi. The necessary application for permission of Bar Council of Gujarat is also applied for and it is pending approval.

Pursuant to requests received by me from large number of advocates who practice regularly before Hon'ble National Company Law Tribunal, at Ahmedabad, I am making this representation in relation to transfer of both the Learned Members constituting Court no. 1 vide office orders dated 30.04.2020 & 12.05.2020. As far as it

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concerns to Hon'ble National Company Law Tribunal, at Ahmedabad, the captioned officer orders envisage transfer of Shri Prasanta Kumar Mohanty, Technical Member, Court No. 1 to Hon'ble National Company Law Tribunal, at Gauhati and transfer of Shri H. P. Chaturvedi, Judicial Member, Court No. 1 at Hon'ble National Company Law Tribunal, at Mumbai. Both these office orders further advise that Hon'ble Members shall move to new posting after relaxation of the lockdown restrictions.

There are large number of matters under Insolvency and Bankruptcy Code, 2016 as well as under the Companies Act, 2013 that are heard and reserved for orders by Court No.1, Hon'ble National Company Law Tribunal, at Ahmedabad. Of course, I do not possess exact number of matters but to the best of the information there are

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number of matters that are heard and await orders of Court No.1 at Hon'ble National Company Law Tribunal, at Ahmedabad. In view of captioned office orders and consequent transfer of both Hon'ble Members constituting Court No. 1 from Hon'ble National Company Law Tribunal, at Ahmedabad, an impasse is created whereby all these matters will have to be reheard de-novo. This will entail re-investment of enormous time and resources and apart from delay in adjudication of matters.

In above view of the matter, it is earnest request to Your Honour to put orders of transfer dated 30.04.2020 & 12.05.2020 qua Ahmedabad Bench be put in abeyance till the time judgment/orders are pronounced in the matter where the matters are heard and await judgment. I am sure that during this time of lockdown

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barring few in all matters judgment must have been  
dictated and ready for pronouncement.

Thanking you,

Yours truly.

(Yatin N. Oza)  
President  
GHCAA

## CC to:

1. Registrar,  
National Company Law Tribunal,  
Opp. Zyduz Hospital,  
S. G. High Way,  
Ahmedabad

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