

ITEM NO.302 Court 7 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 510/2021

NATIONAL COMPANY LAW TRIBUNAL AND
APPELLATE TRIBUNAL BAR ASSOCIATION
THROUGH ITS SECRETARY

Petitioner(s)

VERSUS

MINISTRY OF CORPORATE AFFAIRS & ORS.

Respondent(s)

(FOR ADMISSION and IA No.59137/2021-APPROPRIATE ORDERS/DIRECTIONS)

Date : 24-05-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Counsel for the
parties

Mr. A. S. Chandhiok, Sr. Adv.
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Mr. Ajay Kumar Jain, Adv.
Mr. Rakesh Kumar, Adv.
Mr. Vipul Ganda, Adv.
Mr. Vishal Ganda, Adv.
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Ms. Aastha Trivedi, Adv.

Mr. K. K. Venugopal, Attorney General
Mr. Balbir Singh, ASG
Mr. R. Balasubramaniam, Sr. Adv.
Mr. Zoheb Hossain, Adv.
Ms. Shradha Deshmukh, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. Shyam Gopal, Adv.
Mr. Ankur Talwar, Adv.
Mr. G. S. Makkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The National Company Law Tribunal and the Appellate Tribunal Bar Association has filed this Writ Petition (a) to direct the Respondents to fill up the vacancies of Chairman, NCLAT and

President, NCLT (b) to direct the Respondents to issue appointment Letters to those who have already been selected and (c) for a further direction to fill up all vacancies of Members, NCLT. It has been averred in the Writ Petition that only 38 Members are there for a sanctioned strength of 63. Mr. A.S. Chandio, learned Senior Counsel appearing for the Petitioner, submitted that there are six Members who are retiring in the first week of June, 2021. As the process for re-appointment of the Members has not commenced, it is just and necessary that the tenure is extended for a short period to ensure that the work in the Tribunals does not suffer.

Sh. K. K. Venugopal, learned Attorney General, and Mr. Balbir Singh, learned Additional Solicitor General, appearing for Union of India, have submitted that the process that was initiated in 2019 for appointment of Members of NCLT could not be completed in view of the pendency of the writ petition in this Court and the Ordinance dated 04.04.2021.

It was pointed out that the Appointments Committee of the Cabinet is considering the list that has been finalized by the Search-cum-Selection Committee (SCSC) and the appointments for the selections initiated in 2019 will be made soon. And, suitable steps will be taken for initiating the process of selection for appointment of Members in the remaining vacancies.

The names recommended by the Selection Committee shall be finalized by the Respondents and appointments to the post of Members, NCLT shall be made forthwith. The Respondents are directed to expedite the process for filling up the remaining posts

without any further delay. Re-appointment of Members of NCLT who are about to retire should be considered at the earliest.

List this matter on 31.05.2021.

(JAYANT KUMAR ARORA)
COURT MASTER

(NIDHI AHUJA)
AR-CUM-PS

(ANAND PRAKASH)
COURT MASTER