

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
WP No. 3929 of 2017
(HIGH COURT BAR ASSOCIATION Vs UNION OF INDIA AND OTHERS)

Dated : 17-04-2025

*Shri Vijayesh Atre - Advocate for the petitioner with Ms. Aarya Chhangani -
Advocate for the petitioner.*

Shri Bhuwan Gautam - Government Advocate for the respondent No.4 & 5.

*Shri Himanshu Joshi - Deputy Solicitor General for the respondent
No.1/UOI.*

This petition is filed seeking establishment of permanent bench of National Company Law Tribunal (hereinafter referred as NCLT), at Indore. However, the bench has been established in the month of January, 2017, but till date no regular full time members have been posted at Indore. By way of arrangement the Division Bench of NCLT, Ahmedabad is taking up the matter of Indore Bench online in the second half through VC.

Petitioner has filed an I.A No.2202/2025, seeking appropriate direction to the respondents to make the NCLT, Indore Bench fully functional independently. Alongwith this application the petitioner has filed the status of all the NCLT Benches as on 07.03.2025.

Shri Vijayesh Atre, learned counsel for the petitioner has pointed out that in Principal Bench at NCLT, Delhi there are as many as 6 Division Benches are functioning and for D.B No.6 there is no Court room since 2019.

Likewise in NCLT, Bench at Kolkata no Court room is available for Shri Cheekati Radha Krishna, Member (J) (Court No. III). Whereas, in Mumbai NCLT

Bench there are 7 permanent Division Benches are functioning out of which 6 are having Court rooms, but no Court room available for D.B No.7. Therefore, out of these members who does not have a Court rooms in their respective Bench, the Hon'ble President of NCLT Principal Bench may post two members at Indore, NCLT Bench to make it fully functional.

Shri Vijayesh Atre, learned counsel for the petitioner further submits that High Court Bar Association has made representation & personally mailed Hon'ble President, but the same has not been decided, till date.

It is correct that atleast two Hon'ble members who have no court room can be posted at NCLT Bench at Indore.

Shri Himanshu Joshi, Deputy Solicitor General, for the respondent No.1/UOI is directed to obtain instructions from Hon'ble President NCLT and Principal Secretary of Ministry of Law & Justice, Delhi and Principal Secretary of Ministry of Corporate Affairs (respondent No.2 & 3) as to why atleast two members at NCLT Delhi or NCLT Mumbai are not being posted at NCLT Bench Indore, permanently.

It is made clear that if satisfactory reply is not given then this Court may pass a judicial order/writ.

List the matter on 13.05.2025.

(VIVEK RUSIA)
JUDGE

(GAJENDRA SINGH)
JUDGE