

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT - 2

ITEM No.309

IA/100(AHM)2025 in CP 114 of 2018

Proceedings under Section Rule 11 of NCLT Rules,2016

IN THE MATTER OF:

Navinchandra Dayalal Vadalia

.....Applicant

V/s

Prabhat Solvnt Extraction Industries Pvt.Ltd.& Others

.....Respondent

Order delivered on: 07/07/2026

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)

Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

ORDER

This case is fixed for pronouncement of order

The order is pronounced in open court vide separate sheet.

Sd/-

DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

Sd/-

CHITRA HANKARE
MEMBER (JUDICIAL)

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH (COURT-II)**

Interlocutory Application No. 100 Of 2025

In

Company Petition No. 114 Of 2018

*(Under Sections 241 and 242 of the Companies Act, 2013 and Rule
11 of the NCLT Rules, 2016)*

IN THE MATTER OF:

1. Navinchandra Dayalal Vadalia
801, Floor No. 8,
Prabhat Complex - 1,
Government Press Road, Rajkot 360001
Email: navinvadalia@gmail.com

... Applicant

Versus

1. Prabhat Solvent Extraction Industries Pvt. Ltd.
Having its registered office at
1st Floor, Sterling Apartment,
Jawahar Road, Rajkot-360001,
Email: prabhatsolventrajkot@gmail.com
2. Maheshkumar Dayalal Vadalia,
B-501 Decora West Hills, Near Iskcon Temple
Kalawad Road, Rajkot-360005
Email: maheshvadalia@yahoo.com
3. Maheshkumar Dayalal Vadalia(HUF)
Through its karta Maheshkumar Dayalal Vadalia
B-501 Decora West Hills, Near Iskcon Temple
Kalawad Road, Rajkot-360005
Email: maheshvadalia@yahoo.com
4. Ranjanben Dayalal Vadalia

sd/-

sd/-

7819, Scantury Drive,
Corona, California- 92879
Email: drerbera@yahoo.com

5. Gopal Dhirajlal Vadalia,
27, Shitvan Club, Niyari Dam Main Road,
Besides Star Life Style,
Kalawad Road, Kankot, Rajkot – 360005
Email: gopalvadalia@gmail.com
6. Jyotsana Dhirajlal Vadalia
27, Shitvan Club, Niyari Dam Main Road,
Besides Star Life Style,
Kalawad Road, Kankot, Rajkot – 360005
7. Jyotiben Dayalal Vadalia, Female, Aged Adult
5, Philips Lane, Lake Grove,
New York-11755
Email: jyotisutaria@gmail.com
8. Bharatkumar Mohanlal Vadalia,
Flat No. 801, Rajyog, Pradhyuman Green City,
Kalawad Road, Rajkot 360005
Email: bharatvadalia@gmail.com
9. Heenaben Maheshkumar Vadalia,
B-501 Decora West hills
Near Iskcon temple
Rajkot – 360005
Email: hinavadalia@yahoo.com
10. Nisha Navinchandra Vadalia
801, Floor No. 8,
Prabhat Complex - 1,
Government Press Road, Rajkot 360001
Email: nishavadalia@yahoo.com
11. Navinchandra Dayalal Vadalia HUF,

Sd/-

-SS

Through its Karta
Navinchandra Dayalal Vadalia
801, Floor No.8,
Prabhat Complex -1,
Government Press Road, Rajkot-360001
Email: navinvadalia@gmail.com,

12. Krishnaben Navinchadra Vadalia,
801, Floor No.8, Prabhat Complex -1,
Government Press Road, Rajkot-360001
Email: krishna.v.dandamudi@gmail.com

13. Messer Prabhat Investment G.P.C.P.L,
Registered company having its address at
1st Floor Sterling Apartment,
Jawahar Road Rajkot-360001
Email: prabhatinvestment1@gmail.com

...Respondents

Order pronounced on 07.07.2026

Coram:

**MRS. CHITRA HANKARE
HON'BLE MEMBER (JUDICIAL)**

**MR. VELAMUR G. VENKATA CHALAPATHY
HON'BLE MEMBER (TECHNICAL)**

Appearance:

For the Applicant : Party in person
For Respondent. : None

JUDGEMENT

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1. The applicant has filed the present application seeking following prayers:
- i. Clarify whether the sentence "...the lands in dispute are in possession of the applicant company" in paragraph 11 of the order dated 16.08.2021 was intended as a conclusive declaration or adjudication of possession in favour of Respondent No. 1 Company or merely recording the status as claimed at that time for the limited purpose of disposing of IA/30(AM)/2021 without determining any party's legal rights to possession.
 - ii. Clarify whether any party to CP 114/2018 can treat the sentence "...the lands in dispute are in possession of the applicant company" in paragraph 11 of the order dated 16.08.2021(or any similar interim observation) as a substantive finding on possession.
 - iii. Clarify whether the interim order was intended to authorize or legitimize the Company's possession of the lands in dispute.
 - iv. Clarify that the statement in paragraph 11 of the 16.08.2021 order cannot be used by any party or third party as a basis to restrain the Applicant from accessing, using, or protecting his property, nor to justify any criminal or preventive action against the Applicant. In other words, clarify whether the interim order should be construed as a judicial finding of exclusive possession in favor of the Company for purposes of lodging police complaints or other proceedings.
 - v. Clarify that the sentence "... is earning some profit there from may be by the way of lease rent" in paragraph 11 (XI) of the order dated 16.08.2021 was merely a notation of what was represented to the Tribunal, and was not intended to grant

Sd/-

Sd/-

- permission to Respondent No. 1 Company to enter into any fresh lease or license agreements over the disputed lands after 17.12.2018.*
- vi. *Clarify that the reference to the Company "...is earning some profit there from may be by the way of lease rent" in paragraph 11 of the 16.08.2021 order was not a determination of which party is entitled to the income, rent, or profits from the disputed lands.*
- vii. *Clarify whether any agreement (including any lease, license, or arrangement) executed between Respondent No. 1 Company and a third party concerning the disputed lands - especially after the status quo order of 17.12.2018, and without the Applicant's consent or the Tribunal's leave - was intended to be treated as binding on the Applicant.*
- viii. *Clarify that, notwithstanding the interim orders, the Applicant (Respondent No.5) - as the recorded owner and sole legatee of the lands - is under no legal obligation to permit any third party to occupy or use the lands in his name at the behest of Respondent No.1 Company. The interim orders did not restrain the Applicant from protecting his possession or asserting his rights over the property, so long as he does not transfer or encumber the property.*
- ix. *Clarify whether none of the interim observations (including those about possession or income shall operate as res judicata, issue estoppel, or any form of admission against the Applicant in any subsequent civil, criminal, revenue or other proceedings. The Applicant requests confirmation that his rights /and contentions on all issues remain unaffected by any interim commentary.*

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- x. Clarify that nothing in the interim orders dated 17.12.2018, 01.02.2019, or 16.08.2021 authorizes Respondent No. 1^[SEP] Company to represent itself as the lawful owner or adjudicated possessor of the disputed lands.
- xi. Clarify that the Applicant remains at liberty to pursue appropriate civil proceedings in respect of the disputed lands - for instance, suits for declaration of title, recovery of possession, mesne profits, or injunction - and that nothing in the Tribunal's interim orders shall prejudice the Applicant's claims or defenses in any such proceedings.
- xii. Clarify that, aside from the restraint on alienating or encumbering the property, the Applicant retains the right to take all lawful measures to safeguard his property and proprietary interests in the disputed lands. This includes measures such as preventing trespass, requesting trespassers to leave, or approaching law enforcement or authorities about unauthorized occupations.
- xiii. Clarify that the Applicant's compliance with the interim orders - for example, his act of removing the hoardings/signboards as directed by the order dated 16.08.2021 - does not amount to any waiver of his substantive rights, nor a concession of any adverse claim. Obeying the interim directives was done in deference to this Tribunal's authority and cannot be construed as the Applicant accepting the Company's ownership or possession.
- xiv. Finally, clarify that any ambiguity or uncertainty arising from the Wording of the interim orders shall be resolved in a manner that preserves the substantive rights of all parties and leaves all disputed issues (including title and possession of the lands).

sd/-

sd/-

open for final adjudication in CP 114/2018. In other words, the interim orders should not be interpreted in a way that predetermines or prejudices the outcome of the petition, and all parties' rights are reserved to be decided on merits at the appropriate stage. The Applicant prays that this Hon'ble Tribunal explicitly confirm that understanding, so as to prevent any further prejudice or misunderstanding caused by over-reading interim observations. OR

- xv. Applicant seeks clarification that "any ambiguity arising from the interim orders shall be read in favour of preserving parties' substantive rights and leaving disputed civil issues untouched by the Tribunal."*

ORDER

In view of the order passed in CP No. 114 of 2018, this IA becomes infructuous.

Sd/-

DR. V.G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

Sd/-

CHITRA HANKARE
MEMBER (JUDICIAL)