

A-1
**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD
Court 2**

CP No. 34/NCLT/AHM/2020

**Coram: HON'BLE Ms. MANORAMA KUMARI, MEMBER JUDICIAL
HON'BLE Mr. CHOCKALINGAM THIRUNAVUKKARASU, MEMBER TECHNICAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD BENCH
OF THE NATIONAL COMPANY LAW TRIBUNAL ON 11.12.2020**

Name of the Company: Tarun Chandrakant Parikh & Anr
V/s
Ambrosia Remedies Pvt Ltd & Ors

Section 241-242 of the Companies Act, 2013

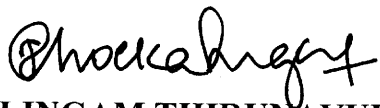
<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
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1.
2.

ORDER

(Through Video Conferencing)

The order is pronounced in the open court, vide separate sheet.



**CHOCKALINGAM THIRUNAVUKKARASU
MEMBER (TECHNICAL)**



**MANORAMA KUMARI
MEMBER (JUDICIAL)**

Dated this the 11th day of December, 2020.

**BEFORE ADJUDICATING AUTHORITY
(NATIONAL COMPANY LAW TRIBUNAL)
AHMEDABAD BENCH**

CP NO. 34 OF 2020

In the matter of:

Tarun Chandrakant Parikh & Anr.

...Petitioner

Versus

Ambrosia Remedies Pvt. Ltd and Ors.

...Respondent

Order delivered on 11th December, 2020

Coram: Hon'ble Ms. Manorama Kumari, Member (J)

Hon'ble Mr. Chockalingam Thirunavukkarasu, Member (T)


Appearance: Advocate Mr. Hiten Parikh and Mr. Shashvat Shukla appeared for the Petitioner.

Advocate Mr. Piyush Luktuke and Mrs. Natasha Dhruvan shah appeared for Respondent.

Order

[Per: Ms. Manorama Kumari, Member (J)]

1. The instant application is filed under Section 241-242 of the Companies Act, by the applicant holding 53.03% of the equity share in the Company and pressing for grant of interim relief till the final disposal of the application.
2. The learned lawyer appearing on behalf of the Respondent has vehemently objected for passing of any interim order as the interim relief prayed for by





the applicant in the matter is identical to the final relief as prayed in the petition.

3. It is further submitted by the Respondent that, the interim relief cannot be granted in the nature of final relief. On the other hand the learned lawyer appearing on behalf of the applicant submitted that the Respondent No. 2 and 3 is not co-operating with the Applicant No. 1 and deliberately begin to refuse to co-operate with the applicant No. 1 in discharging day to day's work of the company. The opponent no.2 has stopped attending the office and the factory of the Company (Op no.1) on and from 30.11.2017, such non-cooperation of opponent no. 2 and 3 in day to day work hampered the proper functioning of the company. The Respondent has also refused to sign essential documents such as documents for the cash credit facility maintained in the Bank (opponent no 5), KYC forms etc. Hence the petitioner is praying for interim relief as reflected in page no. 91 to 97.

4. Admittedly, the account of the company has been freezed by the ^{Banks} due to complain by the opponent No. 2 and 3 which prevented the company from raising any funds from the Bank /financial institution, with a view to defeat and frustrate the lawful rights, of the applicant No. 1 and to shutdown the operations of the company. The opponent number 1 is a pharmaceutical manufacturer and shutdown of production would result in wide spread impact on the employment and productivity of medicines and the economy as a whole. Because of such non operation of the Bank account the company is unable to accept the lucrative foreign export orders or complete Port Registration at local ports. Not only is that, the livelihood of the number of employees dependent on the Company.

Shoekah

Johnson

5. At present the applicant is pressing only for prayer B, of the Interim Relief i.e. until final disposal of the present Company Petition; passing order for stopping operation and the implementation of the legal board resolution dated 19th AUGUST 2020 and form INC -22 illegally filed by the opponent No. 2 and 3 purporting to change the registered office of the company.
6. Gone through the record, also seen the documents annexed therein. There is no dispute that the applicant is holding 53.03% of share in the company. Prima facie there is /are no co-operation between each other, which is hampering smooth running of the company, upon whom the livelihood of the number of the employees are depending. Under such circumstances it is found that the balance of convenience is in favour of the applicant and if no restrain order is passed, in that event the company as well as the employees will suffer for no fault of them.
7. Under such circumstances the respondent number 5 and 6 are directed to allow the respondent company to operate its account for its day to day working.
8. Further the respondent Number 1, 2 and 3 hereby directed not to give any effect to the board resolution so passed on 19 August 2020 till further order.
9. The matter is to be listed on 21.01.2021



Chockalingam Thirunavukkarasu
Adjudicating Authority
Member (Technical)



Manorama Kumari
Adjudicating Authority
Member (Judicial)