

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

I.A.Nos.582, 583, 584, 585,
586 & 587 of 2019
U/r 11, R/w Rule 32 of NCLT Rules, 2016
in C.P.No.185/BB/2019

In the matter of:

Mrs. Bindesh Dutt

Wife of late Mr. Yogesh Dutt,
Aged about 41 years old,
Residing at #303,
Ashoka Enclave, No. 12,
Netaji Road, Fraser Town,
Bengaluru - 560 005.

- Applicant/Petitioner

Versus

M/s.Impact Safety Glassworks Private Limited

23, Old Madras Road,
Avalahalli,
Bengaluru - 560 049. & 3 Others.

- Respondents/Respondents

Date of Order: 26th November, 2019

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

Parties/Counsels Present:

For the Applicant/Petitioner : Shri S. Vivekananda

For the Respondent : Shri Manu Kulkarni with
Shri Vishwash N.

COMMON ORDER

Per: Rajeswara Rao Vittanala, Member (J)



1. I.A.Nos.582, 583, 584, 585,586,587of 2019 C.P.No.185/BB/2019 are filed by Mrs. Bindesh Dutt (hereinafter referred to as 'Applicant') U/r 11, R/w Rule 32 of NCLT Rules, 2016, by inter alia seeking to appoint an independent Chairman; to grant a relief of Temporary Injunction restraining the Respondent Nos.2 – 4 from alienating the shares; to direct the Respondents to pay the Petitioner's salary that is due to be credited from September, 2018; to restrain the Respondent Nos.2 to 4 from taking any decision in the dealings of Respondent No.1 without involvement of the Petitioner; to direct the Respondents to provide the Applicant with copies of Books of accounts, Minutes book of all board and general meetings, All statutory registers ; to restrain the Respondents from alienating the lands of the Company while the main Company petition is pending etc.
2. Brief facts of the case, as mentioned in the main Company Petition, which are relevant to the instant applications, are as follows:
 - (1) Impact Safety Glassworks Private Limited (hereinafter referred to as Company) is a Company incorporated on 23rd April 1986 under the provisions of the Companies Act, 1956 with the Registrar of Companies, Karnataka. Its authorised share capital 1 is INR 10,00,00,000 (Ten Crores) divided into 10,00,000 (Ten Lakhs) equity shares of INR 100 (Hundred) each. And its issued as well as the subscribed share capital is INR 9,26,93,400 (Nine Crores Twenty-six Lakhs Ninety-Three Thousand and Four Hundred only) divided into 9,26,934 (Nine Lakh twenty Six Thousand Nine Hundred and Thirty Four) equity shares of INR 100 each. The Respondent No. 1 is a closely held private limited Company.
 - (2) The Petitioner and her husband Late Sri Yogesh Dutt, who passed away in unfortunate accident on 25.07.2007 are Directors of the Company. The Petitioner, being highly



educationally qualified, became Director of the Company on 01.03.2004, and she is still continuing as such with share percentage of 16.45 % in the Company. And due to un-fortunate death of her husband, it is alleged that she is getting bitter treatment in the affairs of Company.

- (3) The Petitioner has filed C.P No. 185/BB/2019 by inter alia seeking the main reliefs; to direct investigation conduct in the affairs of the R-1 Company along with ECIE Impact Safety Glass Work Private Limited; to declare the annual general meeting conducted on 28.09.2018, and 28.09.2018 as illegal and unlawful; to direct the Respondent 2 to 4 to pay compensate Respondent No.1 Company for the losses suffered by the Company on account of illegal and unlawful siphoning of funds etc. The Petitioner has also sought several interim reliefs Viz., to appoint Independent Chairman to monitor the Board's General meetings of Respondent No. 1 Company; to restrain the Respondents from alienating the shares of the Company; to restrain the Company from alienating the property of the company; to direct the Respondents to credit the petitioner's salary for all the months TDS was deducted etc. Simultaneously, the Petitioner has separately filed the above I.As seeking similar reliefs as mentioned supra.
- (4) The Tribunal, after considering the main reliefs and interim reliefs as sought for, has passed an Interim Order dated 08.11.2019 by directing the Respondent to pay the salary to the petitioner @ of Rs.50.000 from September 2018 till the disposal of the main CP, and also directed not to alienate the properties of the Company till the next date of hearing. Therefore, the Tribunals has already considered various Interim Orders as sought for, and granted appropriate Interim relief to protect the interest of the Applicant/Petitioner. Hence there is no further

necessity/urgency to pass any further Interim Orders except to make the above Interim Order dated 8.11.2019 as absolute till the disposal of the main CP.

3. Heard Shri S. Vivekananda learned Counsel for the Applicant/Petitioner and Shri Manu Kulkarni along with Shri Vishwas N., learned Counsels for the Respondents. We have carefully perused the pleadings of the parties and extant provisions of the Rules.
4. Shri Manu Kulkarni, learned Counsel for the Respondent has submitted that the Company is adversely affected by the above Interim Order dated 08.11.2019, and thus seeks to modify the Interim Order. However, he has not filed any Interim application seeking to modify/vacate the order to consider his plea.
5. In the result, I.A.Nos.582, 583, 584, 585, 586 & 587 of 2019 in C.P.No.185/BB/2019 are hereby disposed of by extending the interim order dated 08.11.2019 until further order. No order as to costs.

(ASHUTOSH CHANDRA)
MEMBER, TECHNICAL

(RAJESWARARAO VITTANALA)
MEMBER, JUDICIAL