


Allahabad Bench

CP No. 47/ALD/2019

ATTENDANCE - CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 22.02.2019

NAME OF THE COMPANY: Upendra Dutt Anthwal & Anr V/s Acuity India Resorts Pvt Ltd

SECTION OF THE COMPANIES ACT: 241/244 of Companies Act

Sl. NO.	Name	Designation	Representation	Signature
1.	MR. ANURAG KHANNA, SR. ADV] - FOR PETITIONERS	
2.	MR. RAGHAV DWIVEDI, ADV.			

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Sh. Anurag Khanna, Sr. Advocate along with Sh. Raghav Dwivedi, Advocate for the petitioners are present.

Heard learned counsel appearing for the petitioners. Petitioners counsel represented that they have dispatched the copy of the petition to the respondent on 21.02.2019. Petitioners moved an urgent application on 21.02.2019 under rule 13 of the NCLT Rules for listing the matter today on the ground that respondents are going to convene a Board meeting on 23.02.2019 pursuant to a requisition given by one of the Members of the company U/s 115 of the Companies Act for the removal of the petitioner from the Directorship of the company U/s 169(2) of the Companies Act. The urgent motion was allowed and the matter is listed today. Petitioner is directed to send notice to the respondents by email because of the urgency. Petitioner sent notice to the respondents by email on 21.02.2019. None appeared for the respondents.


Heard the learned counsel for the petitioners. Perused the special notice given by one of the Members U/s 115 of the Companies Act and the notice of the Board meeting scheduled to be held on 23.02.2019.


Considering the urgency in the matter and in order to maintain balance of convenience, respondents are directed not to give effect to the resolutions, if any, passed pursuant to special notice dated 18.02.2019 in the Board of Directors meeting on 23.02.2019 till the next date of hearing. However, the Board of Directors meeting on 23.02.2019 can be held as per the agenda.

Petitioners are again directed to issue notice informing the date of hearing to the respondents and file proof of service. Respondents shall file their reply within two weeks from the date of receipt of notice serving a copy in advance to the petitioners. Petitioners shall file rejoinder, if any, within one week thereafter.

List the matter on 19th March, 2019.

Dated: 22.02.2019


(SAROJ RAJWARE)
MEMBER (TECHNICAL)


(BIKKI RAVEENDRA BABU)
MEMBER (JUDICIAL)