

**NATIONAL COMPANY LAW TRIBUNAL,
CHANDIGARH BENCH, CHANDIGARH.**

**CA No.388/2018
a/w
CP No.184/Chd/Hry/2018**

In the matter of:

Sunil Goel & Ors.Petitioners.

Versus

OMAXE Limited & Ors.Respondents.

Present: Mr.Anand Chhibbar, Senior Advocate with Mr.Puneet Bali, Senior Advocate, Mr.Gaurav Mankotia, Mr.Prashant Jain, Mr.Shubham Paliwal, Mr.Arpit Deviweri and Mr.Gunjan Rishi, Advocates for the petitioners.

The learned Senior Counsel for the petitioner inter-alia contended that 63.76% of the shareholding of respondent No.1 is held by M/s Guild Builders Private Limited and the petitioner group has 24.57% in Guild Builders Private Limited. It is further contended that the petitioner and his brother remained Directors for five years and reappointed as Joint Managing Director on 26.09.2013, but the petitioner No.1 was not so appointed in the AGM held on 27.09.2017 illegally as M/s Guild Builders Pvt.Ltd. did not cast vote in his favour.

It is, however, submitted that the petitioner group has 1.84% of the shareholding in respondent No.1. Therefore, the petitioners have filed CA No.388 of 2018 under Section 244 of the Companies Act, 2013. Learned Senior Counsel for the petitioners rely upon the judgment of the Hon'ble National Company Law Appellate Tribunal, New Delhi in "**Cyrus Investments Pvt. Ltd. & Anr. Vs. Tata Sons Ltd. & Ors.**" 2017 SCC Online NCLAT 261 that in such circumstances on account of the allegations of oppression and mis-management, the petition can be made by seeking waiver under Section 244 of the Companies Act.

Notice of CA No.388 of 2018 as well as the main petition to the respondents No.1 to 15 at this stage for 16.11.2018. No ground for interim stay. The petitioner shall collect the notices from the registry and send the same immediately to the respondents No.1 to 15 by speed post at the registered office address of respondent No.1 along with the copy of petition and the entire paper book as well as at the email address available on the master data of the company and by speed post to rest of the respondents and file affidavit of service along with copy of postal receipts, tracking report and copy of email at least five days before the date fixed.

Sd/-
(Justice R.P.Nagrath)
Member (Judicial)
Sd/-
(Pradeep R.Sethi)
Member (Technical)

September 19, 2018.
Ashwani