

NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI BENCH

68/241-242/ND/2019

CORAM:

**PRESENT: DR. V.K. SUBBURAJ
HON'BLE MEMBER(T)**

**MS. INA MALHOTRA
HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 11.07.2019.**

**NAME OF THE COMPANY: M/s. Anjali Bhardwaj & Ors. V/s. M/s. Magpic
Construction Pvt. Ltd.**

SECTION OF THE COMPANIES ACT: 241-242

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present:

Mr. Saurabh Kalia, Mr. Juggal Bagga, Advocates for the
Petitioner.

Mr. Apoorv Agarwal, Advocate for the Respondent.

ORDER

A bunch of five cases are listed today. While reply has been received by the
ld. counsel for the petitioner from the respondent in one of the cases, replies in
the other four cases have been tendered to him in Court today.

Ld. counsel for the petitioner prays for grant of interim relief insofar as the
shareholding and the fixed assets of the company are concerned. This is strongly
resisted by the ld. counsel for the respondent, on two major grounds which merit
consideration:

- (i) that there was an alleged transfer of shares/division of properties
between the two groups in the year 2014 itself. The document on
record which was also filed with the ROC bears the signature of the

[Dilshad]



petitioner herself, recording the change in the shareholding pattern in the year 2014. Retraction of the same . . . is therefore barred by time.

- (ii) (ii) Execution of original transfer deed along with the share certificates have been produced for perusal of this Bench which have been seen and returned back.

In view of the same, there is a prima facie case and the balance of convenience in favour of the respondents. Under such circumstances to hamper the working of the respondent company or encumber the rights of the transferees without adjudication is not called for.

It is also submitted that as the shares had been relinquished and the petitioners herein have no shareholding at present, they do not have any locus to file the present petition. Given the grounds of resistance, the interim relief prayed for by the petitioner is pre mature. However, it is made amply clear that any decision taken by the respondent would be subject to the final outcome of the petition.

Let rejoinder be filed in all cases with a copy to the ld. opposite counsel.

To come up for final argument on 3rd December, 2019.



(Dr. V.K. Subburaj)
Member (T)



(Ina Malhotra)
Member (J)