

**In the National Company Law Tribunal,
Bengaluru, Special Bench**

CP/44(BEN)2021
Court No. 1
Item No. 14

Sec. 241(1), Sec. 242(4)

In the matter of:

ANKIT BANSAL V/s	Petitioner
BRIGHTFLEXI INTERNATIONAL PRIVATE LIMITED	Respondent

order delivered on ..06/04/2021

Coram:

Shri RAJESWARA RAO VITTANALA, Hon'ble Member(J)

Shri ASHUTOSH CHANDRA, Hon'ble Member(T)

For Petitioner(s):

SHRI VIVEKANANDA.S

For Respondent(s):

NONE

Interim Order

Heard Shri Vivekananda, Learned Counsel for the Petitioner. None appeared for the Respondents.

Shri Vivekananda, Learned Counsel for the Petitioner, has interalia submitted that the Petitioner No.1 is a subscriber to Memorandum and Article of Association, and one of the founder Directors of Respondent No.1 Company (R1 Company). At the time of incorporation, the Petitioner held 25% of the paid up capital in R1 Company and he currently holds 12.50%. Further, the Petitioner No.1 is a qualified Engineer with high expertise and knowledge and he is son of Respondent No.2 & 4 and elder brother of Respondent No.3

The Respondent No.5 (R5) is a Company incorporated under the Companies Act, 1956 holding 30,00,000 shares in R1 Company, constituting 18.75% of paid up capital of the Company. R5 Company is collectively held by family members of Bansal group consisting of Petitioner No.1, R2 to 4 and wife of Petitioner. Respondent No.6 (R6) is a company incorporated under the companies Act, 1956 holding 30,00,000 shares of R1



Company constituting 18.75% of paid up capital of the R1 Company.

R6 is collectively held by family member of Bansal group consisting of Petitioner No.1, R2 to 4 and few outside shareholders. Further R7 is a shareholder holding 20,00,000 shares constituting 12.50% of total paid up capital of the Company. R8 to 10 are the Bankers of the R1 Company.

He has alleged that the R2, 4 & 5 came to the chamber of the Petitioner No.1 and started abusing the Petitioner is filthy language and physically abused him and his wife. Therefore, due to rivalry, the Respondents are hatching a plan to remove the Petitioner No.1 from the Directorship of the R1 Company without serving notice to the Petitioner. Therefore, in order to prevent the illegal actions of the Respondents, the Petitioners have filed the present petition making several allegations of acts of oppression and mismanagement of the Company.

He therefore, has sought several interim orders to protect the interest of Petitioners, pending disposal of the main Company Petition.

We have considered the pleadings of the Petitioners in the petition, and found that there is a prima facie case made out in favour of the Petitioners entitling them to grant ad-Interim Orders, as mentioned below, while pending disposal of the main Company Petition:

1. The Respondent Nos. R2 to R4 are hereby restrained from taking any action to remove the Petitioner from the Directorship of the R1 Company and also permit him to discharge his duties as such without any obstructions;
2. Directed the Respondents to maintain status quo with regarding to the shareholding pattern of the R1 Company, as exists on today;
3. Directed the Respondent Nos. 8,9& 10 to carry out all financial transactions, which includes operation of Bank Accounts of R 1 Company, jointly with Petitioner No. 1 as one of signatories.
4. The other interim relief as asked for can be considered when the Respondents filed their Reply statements.

Admit. Issue Notice. Registry is directed to prepare notice and the Counsel for the Petitioner is permitted to collect the notice from the Registry and serve it on the Respondents personally and as well as by speed post. Post the case for "Final Hearing" on 29.04.2021.



Member(T)



Member(J)