

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

1074

C.P. No. 637/KB/2017
C.P.No.543/KB/2018
I.A.No.423/KB/2018

Present: Hon'ble Member (J), Shri Jinan K.R.

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 28TH AUGUST, 2018, 10:30 A.M.

Name of the Company	Golden Tobacco Ltd-Vs-J.P.Financial Services Pvt.Ltd Ameer Mahmood Shaikh VS National Automotive Components Pvt. Ltd.		
Under Section	216 97		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. VICTOR DUTTA, ADV *In the presence of*
 2. BRIJESH KUMAR KAIN *R.O.C - cum - A.O.L. Ranchi*
- A.R.O.C - cum - A.O.L. Ranchi*
- ICS Kain*

ORDER

C.P. No. 637/KB/2017 has been filed by one of the director of the applicant company u/s. 97 of the Companies Act, 2013 for calling Annual General Meeting. According to the Ld. Counsel appearing for the applicant because of want of a coram the annual general meeting could not be convened and also not sought for extension as provided under the statute and filed the application for enabling him to convene the annual general meeting as provided under section 97 of the Companies Act, 2013.

Ld. Registrar of Companies, Jharkhand has filed its report and in its report it is submitted that applicant failed to convene the annual general meeting as well as failed to seek extension under

section 96 of the Companies Act, 2013 and opined to pass proper direction to call for annual general meeting invoking the power conferred under Section 97.

Upon hearing the argument advanced on both side I am satisfied that the application is liable to be allowed.

Accordingly, the application is allowed by directing the applicant to call for annual general meeting in compliance of the provisions of the Companies Act, 2013. A meeting can be convened in compliance of Section 96 of the Companies Act, 2013 and as per the explanation to Section 97 directions may include that one member of the company present in person or by proxy shall be deemed to constitute a meeting and upon convening the meeting shall file annual return and financial statements in accordance with the provisions of the Companies Act, 2013 without failure. This order is passed without prejudice to the Registrar of Companies to initiate appropriate penal action, if any, to be taken as against the default, if any, committed under the provisions of the Companies Act, 2013.

C.P. Is disposed of as above.

Certified copy of the order be issued, if applied for, upon compliance with all requisite formalities.



(Jinan K.R.)
Member (J)