

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH**

CP/CA. No. 273(ND)/2017

IN THE MATTER OF:

**M/s Casino Hotels unit of CGH Earth Pvt. APPLICANT / PETITIONER
Ltd.**

Vs

**M/s The Federation of Hotels & RESPONDENT
Restaurants Association of**

SECTION:

Under Section 241-242 & 244

Order delivered on 22.09.2017

Coram:

**CHIEF JUSTICE M. M. KUMAR
Hon'ble President**

**DEEPA KRISHAN
MEMBER (TECHNICAL)**

For the APPLICANT / PETITIONER

**:- Mr. Chetan Sharma, Sr. Advocate
Mr. Abhishek Singh, Advocate
Mr. Sudipa Das Gupta, Advocate**

For the RESPONDENT No. 1

**:- Ms Raveena Rai, Advocate
Ms. Mohona Thakur, Advocate**

For the RESPONDENT No. 8

:- Mr. Vanshdeep Dalmia, Advocate

**For the RESPONDENT No. 2,
9,11,16,17,18**

:- Mr. Viksit Arora, Advocate

ORDER

We have heard the learned counsel for Petitioner and Respondent No. 9, 11, 16, 17, 18 & 20. We also heard learned counsel for Respondent no. 8 and learned counsel for Respondent No. 1.

All the learned Counsel for either side have raised objection to the holding of AGM on 23.09.2017. It has been argued that the agenda item no. 4 has been added without any participation and due deliberation between the members of



Deepak Kumar
22.09.2017

Board of Directors and it is against the various provision of Article of Association namely IV (b) and (c). Therefore, the meeting with regard to other item may proceed but with regard to item no. 4 under the sub heading special business shall remain stay. To approve alteration in Article of Association of Company and other things.

Learned Counsel for Respondent No. 1 has argued that the objection has been raised at the 11th hour when the electronic voting has already commenced. We notice the aforesaid arguments and do not feel persuaded to refuse interim order on that ground because even, if the electronic voting has started it would not be deemed to be complete without the physical voting which is to be held on 23.09.2017. Therefore, the proceeding on the aforesaid item shall remain stayed.

Reply, if any be filed by the respondent within four weeks with a copy in advance to the counsel for the Petitioner. Rejoinder if any be filed within two weeks thereafter with a copy in advance to the counsel for opposite.

List on 20th November 2017.

— Sd —

**CHIEF JUSTICE M. M. KUMAR
PRESIDENT**

— Sd —

**DEEPA KRISHAN
MEMBER (TECHNICAL)**