

ATTENDANCE-CUM-ORDER SHEET OF HEARING

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH**

C.P. No. 04/97/GB/2017

Angshu Ranjan Chakraborty

... Petitioners

-Versus-

M/S Bochapathar Tea Estate Pvt. Ltd. & Ors. ... Respondents

Present : Hon'ble Mr. Justice P K Saikia, Member(J)

Date of hearing: 15th February 2017.

Name of the Company	M/S Bochapathar Tea Estate Pvt. Ltd.		
Under Section	97		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

ORDER

This is an application under Section 97 of the Companies Act, 2013 filed by the petitioner, namely, Angshu Ranjan Chakravarty, a shareholder of Bochapathar Tea Estate Pvt. Ltd., Purnananda Road, Dibrugarh, seeking the following reliefs:

- (i) Order/direction for calling/convening and/or direct the calling of Annual General meeting of Bochapathar Tea Estate Private Limited for the year ending 31st March 2016.
- (ii) Such further and/or other order or orders be passed and/or direction or directions be given as this Hon'ble Tribunal may deem fit and proper."

2. I have heard Mr S. Bharali, learned counsel for the petitioner and also Mr G. Rahul and Mr M. Das, learned counsel for respondent No.1. The facts leading to the filing of this petition are:

The Bochapathar Tea Estate Pvt. Ltd. is a company registered under the Companies Act, 1956. The registered office of the company is situated at Purnananda

Road, Dibrugarh, District- Dibrugarh, P.O.- Dibrugarh-786001, Assam. It may be stated here that the company, in terms of Section 96 of the Companies Act, 2013, is required to hold the Annual General Meeting (for short, AGM) within six months from the date of closing of the financial year. However, due to some difficulties, the AGM of the company could not be held within the statutory period for which the company had approached the Registrar of Companies (for short, ROC), Shillong seeking extension of time for conducting the AGM for the year ending 31.03.2015. Being so moved, the ROC, Shillong was pleased to grant time for another three months.

It has been submitted that in the meantime, the Statutory Auditor of the Company resigned and a new Auditor was appointed in his place in the month of December 2016. However, the new Auditor could not submit the audited accounts, for the period relevant, till date for which the AGM could not be held even during the extended period of time. The petitioner has, therefore, approached this Tribunal by filing the present petition under Section 97 of the Companies Act, 2013 urging the court to direct the company to conduct the AGM in accordance with the prescription of law.

3. On hearing the learned counsel for the petitioner and also learned counsel for respondent No.1, I find it necessary to issue a notice upon the ROC, respondent No.2 herein, to appear before this court either in person or through an authorized agent so as to apprise this court of the matter.

4. List this matter on 02.03.2017.

5. The petitioner shall take necessary steps in the matter of service of notice on respondent No.2. Copies of the petition as well as all other relevant documents annexed with the petition shall be forwarded to the ROC, Shillong for doing the needful in the matter.

6. In the meantime, the respondent No.1 may, if so advised, file reply, if any.

Member (Judicial)
National Company Law Tribunal,
Guwahati Bench,
Guwahati.