

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P.No.451/KB/2017


Present: Hon'ble Member (J) Shri Vijai Pratap Singh
Hon'ble Member (J) Shri Jinan K.R

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 12th September 2017, 10.30 A.M

Name of the Company	Parashar Chatterjee -Vs- Classic Cuisine Pvt.Ltd. & Ors.		
Under Section	241/242		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. RAGTO BROTO KUMAR MITRA, Adv.
2. PATITA PABAN BISHWAL, Adv.
3. SHADWAK MITRA, Adv.

Relm


17/9/17

1. Mr. Goutam Dey, Advocate.
2. Anupam Das, Advocate.

Respondent NO. 3

1. Biswanath Chatterjee Respondent NO. 2

ORDER

Ld. Counsel for the petitioner and the respondent nos. 2 and 3 are present.

Heard. Admit.

Reply may be filed within 3 weeks with a copy in advance to the petitioner. Thereafter rejoinder, if any, may be filed within 2 weeks with a copy in advance to respondents.

Ld. Counsel for the petitioner has prayed for interim injunction restraining the respondent from convening and holding any Extra-ordinary General Meeting (EoGM) on 12/09/2017 which is scheduled to held at 3.00 PM. Petitioner has stated that he has received the notice of EoGM, which shows that EoGM is to be convened for consideration of appointment of Shri Rajesh Singh and Shri Rahul Agarwal as Director of the Company. Petitioner has further stated that under Section 102 of the Companies Act, 2013, for conducting subject business explanatory statements ought to have been attached to the EoGM. But no such explanatory statement is attached with EoGM.

In view of the judgement passed in LIC -vs- Escorts India, EoGM cannot be stayed. But we make it clear that if any EoGM has taken place then any resolution passed at the said EoGM cannot be given effect to without the prior leave of this Tribunal.

Ld. Counsel for the respondent is present. He is directed to comply with the order.

List the matter on 02/11/2017.

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



(Jinan K.R.)
Member (J)



(Vijai Pratap Singh)
Member (J)