

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

535

**I.A. No. 17/KB/2017**  
C.P. 136/2014

**Present: 1. Hon'ble Member (J) Shri Vijai Pratap Singh**  
**2. Hon'ble Member (T) Shri S. Vijayaraghavan**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 18<sup>th</sup> May, 2017, 10.30 A.M**

Name of the Company		Jyoti Kumar Arya & Anr. -Versus- Prabhat Zarda Factory (India) Pvt.Ltd & Ors.	
Under Section		<b>397/398</b>	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. PREETI DEPTO KR MITRA, Adv
2. PATITA PARAN BISHWA, Adv
3. KULDEEP MALEIK, Adv
4. AVINASH TRIVEDI, Adv

Pehar


  
18/5/17

1. Mr A. Arora Adv
2. Mr D. N. Sharma Adv
3. Mr T. Khanna Adv

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18/5

1. ANJAN KUMAR ROY, FCS — R1, R4 TO R9

  
18/5/17

### ORDER

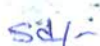
This I.A. no.217/KB/2017 has been filed in connection with C.P. no.136/2014 for staying the EOGM scheduled to be held on 26.05.2017 in pursuance of notice of EOGM dated 24.04.2017. The applicant has also sought injunction for restraining the respondents, the petitioners and the requisitionists from removing the applicant/ respondent no.3 as a Director of the company i.e. Prabhat Zarda Factory (India) Private Ltd. The applicant has also prayed that all further proceedings in C.P. no.136 of 2014 be stayed till the disposal of the present interim application. On perusal of the records it appears that pleadings in C.P. no.136/2014 are complete and C.P. no.136/2014 has been fixed for hearing. Meanwhile, the applicant/ respondent has filed this I.A. praying injunction on account of notice of EOGM dated 24.04.2017.

We are of the view that pleadings in Company Petition are complete. Therefore, this IA will be decided along with the main company petition. It is also pertinent to mention that proceedings of EOGM cannot be stayed in view of the law laid down by Hon'ble Supreme Court in [1986] 1 SCC 264 LIC -vs- Escorts Ltd. & Ors. The Respondent has filed Interim Application whereby he has sought injunction on the basis of notice received regarding EOGM dated 26.05.2017. Since we have decided to dispose off the Interim Application along with the main Company Petition, so, in the interest of justice, we think it necessary to pass the following order:

Interim prayer for staying the EOGM is declined. However, it is to be made clear that if EOGM takes place then its Resolution shall not be given effect to without taking permission from the Tribunal. It is further directed that if the EOGM takes place, then Resolution of that meeting should be submitted to the Tribunal within three days of the meeting.

List on dated 19<sup>th</sup> July, 2017 for hearing on C.P. along with I.A.

Certified copy of the order may be issued after complying with the requisite formalities.

  
(S. Vijayaraghavan)  
Member (Technical)

  
(Vijai Pratap Singh)  
Member (Judicial)