

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH

CP No. 118 (ND) 13

CORAM:

PRESENT: SH. S. K. MOHAPATRA
HON'BLE MEMBER(T)

SMT. INA MALHOTRA
HON'BLE MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 30.11.2017

NAME OF THE COMPANY: Radhey Shyam Sharma Vs. Shrimat Mahaveer Buildcom (P) Ltd. & Ors

SECTION OF THE COMPANIES ACT: 397/398

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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For the Petitioner (s) : Ms. Sonia Mathur, Sr. Advocate with Mr. Sushil Dubey, Advocates

For the Respondent (s): Advocate for the Respondent

ORDER

Respondent no. 1 company was incorporated in 2004 with only the petitioner and another as its promoter Directors, each having 50% equity. The other director transferred his equity in the favour of Respondent no. 2 in the year 2008. It is alleged that since then there has been total mismanagement in the affairs of the company. No board meetings have been held and no resolution was passed for appointment of Respondent no. 3, husband of Respondent no. 2, as a Director of the Company. The grievance of the petition therefore arises from the illegal appointment of Respondent no. 3 which was without his knowledge or due notice to his. Further, in the year 2009,

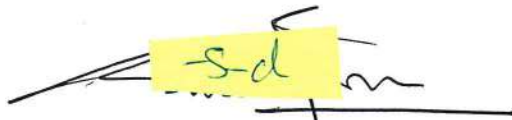
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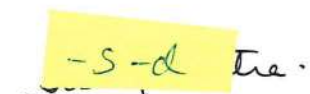
Respondents without notice to the petitioner, increased the authorized capital of the company, allotting the entire increase of capital to Respondent no. 3. The petitioner has also been removed as a Director from the Respondent company.

It is also pointed out that a new bank account was opened by Respondents 2 and 3 in 2016 with IndusInd Bank, Sangam Complex, Ground Floor, Mirza Ismaal Road, Jaipur (A/c No. 016FZ0040060).

The petitioner has prayed for removal of Respondent no. 3 as a Director in the company and his illegal allotment of shares to be set aside. It is also submitted that no Annual Returns or Profit & Loss statements have been filed since the induction of R3 in the company from 2008 and therefore petitioner is unaware of the assets and liabilities of the company.

Be listed for further consideration on 18th December, 2017.


(S. K. Mohapatra)
Member (T)


(Ina Malhotra)
Member (J)