

**BENCH-I**

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P.No.420/KB/2017

**Present: 1. Hon'ble Member (J) Shri Vijai Pratap Singh  
2. Hon'ble Hon'ble Member (J) Shri Jinan K.R**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 21<sup>st</sup> December 2017, 10.30 A.M**

Name of the Company	Narayan Chandra Das -Versus-Diamond City South Resident Association & Ors.		
Under Section	241/242		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. MR. A. Roy, Adv. *petitioner* *SL*  
 2. MR. N. DAS GUPTA, Adv. *21/12/2017*  
 3. J. PATNAIK, PCS
4. Ratul Das  
 2. Niladri Banerjee } For respondent  
 } nos. 3 & 7 *AB*  
 21/12/2017
1. Mr. Ratnamlo Banerjee f.s. Adwokate  
 2. Mr. Kuldeep Nallick } Respondent nos.  
 3. Mr. Abhijit Sarker Advocates 2, 488 *AB*  
*Abhijit Sarker*  
*Adv.*  
*21/12/17.*
1. Mr. Reftimata Mitra Adv. for R1  
*Reftimata*  
 Mr. Abhik Chitta Kundu Adv. R1, *R. Mitra*  
*21/12/17*

**1 IA 563/2017 in CP 420/2017 - Diamond City South Resident Association & Ors.**

**OR D E R**

Ld. Counsel for the petitioner and the respondent nos.1, 2, 3, 4, 7 and 8 is present.

I.A.No.563/KB/2017 has been filed in relation to C.P.No. 420/KB/2017 with a prayer for quashing the notice dated 08/12/2017 seeking to hold AGM to be held on 30/12/2017 and further prayer has been made for staying the operation of the impugned and purported notice dated 08/12/2017 with an alternative prayer that Special Officer be appointed under whose supervision the AGM be held after giving an opportunity to participate the shareholders of the company in the meeting.

Reply may be filed within 15 days with a copy in advance to the respondents. Thereafter rejoinder, if any, may be filed within 15 days with a copy in advance to the petitioner.

Ld. Counsel for the petitioner has argued that before issuing the notice the company has not complied with the provisions of Section 136 of the Companies Act, 2017, which requires that "*a copy of the financial statements, including consolidated financial statements, if any, auditor's report and every other document required by law to be annexed or attached to the financial statements, which are to be laid before a company in its general meeting, shall be sent to every member of the company, to every trustee for the debenture-holder of any debentures issued by the company, and to all persons other than such member or trustee, being*

*the person so entitled, not less than twenty-one days before the date of the meeting: ”.*

Respondents are directed to hold the meeting after compliance of the provisions of Section 136 of the Companies Act, 2013. It is further directed that meeting should be held in accordance with the provisions of Section 136 of the Companies Act, 2013 at the Registered Office of the company or any other place where the Executive Committee decides as per Article 56 of the Article of Association. Notice in compliance of Section 136 be sent either through e-mail or in Website. Compliance be made within 3 days from today.

Mr. Deepak Kumar Khaitan, Pr. CS is appointed as a Special Officer, who will conduct the proceedings of the AGM for which Rs. 30,000/- be paid to him as remuneration and the same will be borne by the applicant. Report will be filed by the Special Officer within 7 days from the date of holding the meeting.

List it on 22/02/2018.

*Sd*  
(Jinan K.R.)  
Member (J)

*Sd*  
(V.P.Singh)  
Member (J)