

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI

PRINCIPAL BENCH

CP-395(ND)/2017

IN THE MATTER OF:

Manu Rajendra

Vs.

Abhikarma Reality and Infrastructure Pvt. Ltd. & Ors....

.... Applicant/petitioner

Respondents

Order under Section 241-242 of the Companies Act

Order delivered on 16.11.2017

Coram:

CHIEF JUSTICE (Retd.) M.M.KUMAR

Hon'ble President

Ms. Deepa Krishan

Hon'ble Member (T)

For the Applicant/petitioner : Dr. U.K. Chaudhary, Sr. Adv.
Mr. Mansumyer Singh, Mr. Himanshu Vij,
Advocates

For the Respondent : Mr. Abhay K. Das, Adv. for R-2

ORDER

Petition mentioned.

Notice to the respondents be issued.

Notice for respondent no. 2 is accepted by Mr. A.K. Das, Advocate. Mr. Das has it-is stated that any document required by the Auditors shall be furnished in addition to the documents already furnished.

Dr. Chaudhary, learned Senior Counsel for the petitioner has argued that on the basis of a purported Resolution dated 15.09.2016, R-2 has transferred the immovable assets to

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respondent nos. 3 and 4 and the aforesaid Resolution is shrouded in mystery because out of the two Directors, namely respondent no. 2 and the petitioner, one of them being the petitioner was not present in the meeting. In support of the aforesaid allegation, petitioner has placed on record the air tickets showing that he was travelling between Delhi and Pune. The hotel bills for 15th September, 2016 and the taxi bills showing that on 15th Sept., 2016, he hired a taxi from Delhi Airport Terminal-III to reach his homeⁱⁿ Noida and therefore, there could not have been any valid Resolution passed on 15.09.2016. Prima facie, we are of the view that there could not have been any meeting of the Board of Directors and that Respondent no. 2 alone was present at Mumbai. Accordingly, the resolution to alienate property being Plot No. 28, at National Highway No. 8, near Vishwakarma Baug, Pelhar, Nalasopara East, Taluka Vasai, Thane to respondent no. 3 and 4 would be doubtful. The transfer has now taken place. In view of the above, we restrain respondent nos. 3 & 4 from alienating property at Plot No. 28, at National Highway No. 8, near Vishwakarma Baug, Pelhar, Nalasopara East, Taluka Vasai, Thane any further without specific permission from NCLT.



Reply be filed within four weeks with a copy in advance to the Counsel for the petitioner.

Rejoinder, if any, be filed within two weeks thereafter with a copy in advance to the Counsel opposite.

Matter be listed before Court No. 2 alongwith C.P. Nos. 102(ND)/2017, 232(ND)/2017, 316(ND)/2017 and 395(ND)/2017 on 11th January, 2018.

Sd/-

**(CHIEF JUSTICE M.M.KUMAR)
PRESIDENT**

Sd/-

**(DEEPA KRISHAN)
MEMBER(TECHNICAL)**

16.11.2017
V. Sethi