

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH: GUWAHATI

C. P. No.04/GB/2017

Under Section: 97 of the Companies Act, 2013

In the matter of:

Angshu Ranjan Chakraborty ... Petitioner

-Versus-

Bothapachar Tea Estate (P) Ltd. & others ... Respondents

Coram:

Hon'ble Mr. Justice P. K. Saikia, Member (J)

For the Petitioner : Mr. Surajit Bharali, Advocate
Ms. Mridusmita Goswami, Advocate

For the Respondents : Mr. Gautam Rahul, Advocate
Mr. Anjan Kr. Roy, FCS
Mr. Sanjay Kr. Baid, FCS

Judgment delivered on 09th August, 2017

ORDER

Per Hon'ble Mr. Justice P. K. Saikia, Member (J):

1. Mr. S. Bharali and Ms. M. Goswami, learned Advocates are present representing the petitioner. Mr. Gautam Rahul, learned Advocate appeared for and on behalf of the respondent No.1. Mr. Anjan Kumar Roy, FCS and Mr. Sanjay Kumar Baid appeared for and on behalf of the respondent No.3.
2. I have heard both the learned Counsels appearing for both the sides. I have also perused the order rendered in the present case on the last occasion dated 18-07-2017. The same is reproduced herein below for ready reference:

"Mr. S. Bharali and Ms. M. Goswami, learned Advocates are present on behalf of the petitioner, Mr. M. Das, learned counsel appears for the respondent No.2, while Mr. S. K. Baid, FCS, appears for the respondent No.3.

The learned counsels for the parties have submitted that exchange of pleadings are complete in the meantime and the case is ready for hearing.

In view of above, list the matter on 9.8.2017 for hearing."

3. Mr. G. Rahul appearing for the respondent No.1 submits that the respondent No.1 has already taken steps for holding Annual General Meeting on 23-08-2017 and in that connection necessary notice dated 29-07-2017 has already been dispatched and notice was sent by speed post and by personal service. The learned Counsels appearing for the respondent No.3 affirmed that they have received the notice along with the Annual Report for the year ending on 31st March, 2016. Mr. Bharali, learned Counsel appearing for the petitioner also submits that they have also received the notice along with the Annual Report for the year ending on 31st March, 2016 by personal service. The learned Counsel appearing for the respondent No.1 has also filed the notice and the Annual Report and submitted that let it be kept in the record of the proceeding.

4. It may be stated here that this proceeding was initiated seeking the following reliefs: -

"5. Reliefs Sought

In view of the facts mentioned above, the petitioner prays for the following reliefs: -

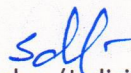
- (i) *Order / direction for calling /convening and/or direct the calling of Annual General Meeting of Bochapathat Tea Estate Private Limited for the year ending 31st March 2016.*
- (ii) *Such further and / or other order or orders be passed and / or direction or directions be given as this Hon'ble Tribunal may deem fit and proper."*

Since, the respondent No.1 has already taken steps for holding the Annual General Meeting on 23-08-2017, the very purpose of this proceeding has become redundant.

5. In view of the above, the learned Counsels for both the parties have submitted that the present proceeding has become redundant and infructuous. As the respondent No.1 company has already taken steps for convening the Annual General Meeting and necessary report/record has already been received by all concerned, I find no reason for further continuation of this proceeding.

6. Accordingly, this proceeding is disposed off. Let the copy of the notice and the Annual Report be kept in record.

7. Certified copy of this order be sent to all concerned.


Member (Judicial)
National Company Law Tribunal
Guwahati Bench: Guwahati.

Dated, Guwahati, the 09th August, 2017

Deka/09-08-2017