

T.A. No. 02/2016
 (CA No. 134/2016)
 In
 TP No.06/397/398/GB/2016
 (CP No.287/2012)

Under Section 397/398 /402/406of the Companies Act, 1956.

In the matter of:

Ranjit Borthakur & Ors. : Applicants/ Petitioners
 VERSUS
 W. G. Resorts Assam (P) Ltd & Ors. : Non-applicants/ Respondents.

Order delivered on: 06-11-2017

Coram:

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

O R D E R/ CORRIGENDUM

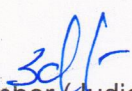
T.A. No. 02/2016 (CA No.134/2016)

It has been noticed that in the Order dated 27-10-2017 passed in TA No.02/2016(CA No.134/2016), there occurred a typographical omission through oversight, as a result of which, in Paragraph 49 of the order after the word "from" last part of the sentence is required to be retyped.

2. After adding the inadvertent omission of the part of the sentence, correct Paragraph 49 of the said order, now, be read as under: -

"49. Being so, I have no hesitation whatsoever, in rejecting the arguments, advanced from the side of the non-applicants/respondents contending that the directions in Section 173 (2) of the Act, 2013 are only directory and, therefore, the non-applicants/respondents may deviate there-from in appropriate cases. As a corollary thereto, it is held that the provisions in section 173 (2) of the Act, 2013 are mandatory and, therefore, the companies are not permitted to make any deviation there from **unless, of course, it is established that the place where the registered office of company is situated does not have the facilities, specified in section173 (2) (b) and (C) of the Act of 2013.**"

3. The Registry is directed to send a copy of this Corrigendum to the parties concerned.


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