

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**

CP No. 72 (ND)/2016

**CORAM:**

**PRESENT: MS. DEEPA KRISHAN**  
**HON'BLE MEMBER(T)**

**MS. INA MALHOTRA**  
**HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW  
DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON  
15.02.2018**

**NAME OF THE COMPANY: Satish Kumar Pawa & Ors. Vs. M/s Divine  
Infracon Pvt. Ltd. & Ors.**

**SECTION OF THE COMPANIES ACT: 397/398**

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
	For the Petitioner (s) :	Mr. Virender Ganda, Sr. Advocate with Mr. Rakesh Kumar, Ms. Sahil Gupta and Mr. Aaditya Nayyar, Advocates		
	For the Respondent (s) :	Mr. Mansumyer Singh and Ms. Anisha Mahajan, Advocates		

**ORDER**

Arguments have been addressed by the Ld. Senior Counsel for the Petitioner appearing in CPs No. 72/2016 and 92/2016. A cross petition has also been filed by the Respondent which is CP No. 39/2017.

The main grievance of the Petitioner in this case is his alleged unauthorised and illegal removal as the Chairman of the Board of Directors. It is further submitted that he has been ousted from the day to day working of the company. He has necessarily to absent himself from attending the Board meetings as the dates are purposely fixed on dates when the criminal

cases under Section 138 Negotiable Instruments Act against the Respondent Company are listed for hearing and his presence in court is mandatory.

It is also his grievance that the Respondents are taking decisions which are against the company. They have failed to meet the required conditions of the Joint Lenders Forum, inasmuch as the sub-leases created over the fixed assets of the company have not been provided to the banks.

It is also pointed out that various other proceedings under the Money Laundering Act and action initiated by the Enforcement Directorate have been initiated against the Respondents.

Ld. Sr. Counsel for the Respondents, Dr. U.K. Chaudhary is stated to be busy before another forum and a request for adjournment is being made.

The parties are directed to file a short synopsis with specific references to the paragraphs / page numbers in the pleadings along with citations, if any, in support of the arguments.

Renotify this case for further arguments on 3<sup>rd</sup> April, 2018.

-S-d7

**(Deepa Krishan)**  
**Member (T)**

-S-d7

**(Ina Malhotra)**  
**Member (J)**