

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH

C. P. NO. 94(ND)/2017

CORAM:

PRESENT: SH. S. K. MOHAPATRA
HON'BLE MEMBER(T)

SMT. INA MALHOTRA
HON'BLE MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 27.09.2017

NAME OF THE COMPANY: Smt. Manjusha Jain & Anr. V/s. M/s. Kosmosys Solutions Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 241/242


S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
	For the Petitioner (s)	: Mr. Saurabh Kalia, Advocate		
	For the Respondent (s)	: Mr. Raja Chatterjee, Advocate for R2 & 3 Mr. Piyush Sachdev, Advocate for R2 & 3		

ORDER

Ld. Counsel for the parties pray for clarification in respect of the date of valuation of the shares and the year of auditing the accounts. It is hereby clarified that the financial statement for the year ending 31st March 2017 shall be duly audited and the share~~d~~ valuation shall also be as on 31st March 2017 as consented to by both the parties.

Contempt Petition 8(ND)/2017 - Ld. Counsel for the petitioner does not press this application for the time being.

Application No. 242 of 2017 has been filed by the Respondent. Notice of the same is accepted by the Ld. Counsel for the Petitioner. Vide this application, the respondents pray that the EoGM scheduled to be held on 28th September, 2017 be stayed. The Agenda reflects that some of the items are in gross non-violation of the Status Quo passed by this Bench.


(Sapna Bhatia)

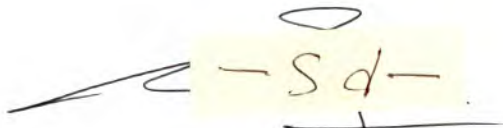


It is also pointed out that Mr. Abhishek who has been disqualified by the office of the ROC w.e.f. 2016 to 31st October 2021 as a Director has been signing cheques and is involved in major decisions including Chairing the Board Meeting, despite his disqualification, rendering major decisions void.

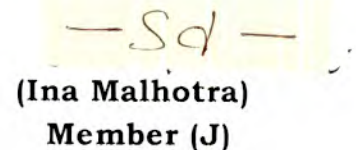
In view of the above, Ld. Counsel submits that EoGM shall not be held on 28th September, 2017. Any proposed EoGM in future would be duly intimated to the respondents along with Agenda in advance.

The Auditor shall file his interim/final report within 30 days from today.

To come up on 1st November, 2017.

Handwritten signature of S. K. Mohapatra, consisting of a stylized 'S' and 'd' with horizontal lines extending from them, all contained within a yellow rectangular highlight.

(S. K. Mohapatra)
Member (T)

Handwritten signature of Ina Malhotra, consisting of a stylized 'S' and 'd' with horizontal lines extending from them, all contained within a yellow rectangular highlight.

(Ina Malhotra)
Member (J)