

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Diary No.567 of 2017

Under Section 241, 242, 243, 244 and 210 of the Companies Act, 2013

In the matter of:

Shanta Prasad Chakraborty & Ors. ... Petitioners

-Versus-

M/s. Madarkhat Tea Co. Pvt. Ltd. & Ors. ... Respondents

Coram:

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

ORDER
11-09-2017

This application under 241,242,243, 244 and 210 of the Companies Act, 2013 is filed by Shanta Prasad Chakraborty & others against M/s. Madarkhat Tea Co. Pvt. Ltd. & Ors. seeking relief/s as specified in the petition.

2. On receipt of the application, the Registry has scrutinized the same and noticed some defects therein. Accordingly, the Registry vide letter dated 07-09-2017 has directed the petitioner through its learned counsel for rectification pointed out therein. For ready reference, Registry's letter dated 07-09-2017 is reproduced below: -

"Subject: Rectification of defects for petition filed under section 241,242,243, 244 and 210 of Companies Act, 2013

Reference – Diary Number 567 dated 30/08/2017

Sir,

On the above captioned subject, the following defects were noticed on scrutiny of your application under section 241,242,243, 244 and 210 of Companies Act, 2013 filed vide Diary Number 567/2017:

- i. Kindly provide the breakup of the fees paid under the above provisions.*
- ii. Under section 244(1) (a), it is provided that the entitled class of shareholders can file the company petition subject to the condition that the applicant or applicants have paid all calls and other sums due on his or their shares. You are requested to verify the same by means of a separate declaration from the petitioners.*
- iii. Please note that at the signature page of the petition, the place and date of signature is not filled up. You are kindly requested to fill the same.*

- iv. *It appears that the petition is a joint petition. In the event that it is a joint petition, consent in writing from the other petitioners authorizing the petitioner number 1 to file the petition needs to be filed along with the main documents (Please check section 244, clause of Companies Act, 2013 and rule 81 (2) of NCLT Rules, 2016).*
- v. *Service affidavit certifying that a copy of the petition has been served on all the respondents required.*
- vi. *Three sets of authenticated copies of the petition has to be filed as per rule 24 of NCLT Rules, 2016. Please ensure that all the three copies of the petition filed with the Bench are authenticated copies.*

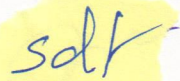
Yours faithfully,

*Sd/- Bulbuli Richong
Registrar (I/C)"*

3. In this connection, I have heard Mr. A. K. Roy and Mr. S. K. Baid, learned counsel for the petitioners, who submit that they require some time for rectification of the defects pointed out by the Registry as above. Prayer is allowed.

4. Once, the defects as pointed out hereinabove are removed, the Registry is directed to list this matter for further orders.

5. List this matter on 16-10-2017.



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

Dated, Guwahati, the 11-09-2017

DeKa/211/12-09-2017