

ATTENDANCE-CUM-ORDER SHEET OF HEARING

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH**

T P No 05/397/111(A)/GB/2016
(C P No.146/2012)

Sabrina Hussain & Others ... Petitioner

-Versus-

Khanicar Tea Estate & Others ... Respondents

Present :

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

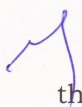
Date of hearing : 29th September, 2016.

Name of the Company	Khanicar Tea Estate Pvt. Ltd.		
Under Section	397/111(A)		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

ORDER

Petitioners remain absent without any steps. Respondents' side too remain unrepresented. Registry has informed that notice has been sent to the parties by Speed Post on 30.08.2016. Despite notice being sent to them well in advance, parties hereto remained absent on 14.09.2016 and that too without any steps. For ready reference, order dated 14.09.2016 is reproduced below:

'None appears either for the petitioner or for the respondents. Registry has informed that notices have already been served on both the parties. However, for the ends of justice, matter is posted for necessary orders on 29.09.2016.'

 It may be stated here that this proceeding has been initiated by the petitioners alleging that they, along with respondent No.2 are the legal

representatives of Late Bhaktiar Ahmed and Late Gulrehain Ahmed who are the parents of the petitioners and respondent No.2. Both of them died intested leaving properties which include 350 shares in respondent company of the denomination Rs.1000/- each.


The petitioners were ignorant about their parents having shareholding in the respondent Company namely, M/s Khanica Tea Estate Pvt. Ltd. On coming to know about such shareholding of their parents in respondent company, the petitioners herein, have approached the respondent Company requesting that their names be entered into Register of members inasmuch as, they became the shareholders of the company along with their brother (respondent No.2) on the death of their parents.

But the company refused to enter their names in the Register of members stating that a succession certificate, issued by the competent authority, has been produced before it by respondent No.2 which shows that the respondent No.2 is entitled to the shares in the company left by his parents.

Contending that such an approach on the part of the respondent company, of which respondent No.2 is one of the Directors, is entirely illegal, the petitioners claiming to be the legal representatives of Late Bhaktiar Ahmed and Late Gulrehain Ahmed, their father and mother respectively, approached the CLB, Kolkata Bench seeking a direction requiring the respondent company to enter the names of the petitioners in the Registers of members along with the respondent No.2. CLB Kolkata issued notice to the respondents requiring them to appear before it to answer the allegations levelled against them.

On the perusal of record, it is found that CLB, Kolkata Bench found that the respondents herein remained absent on 26.04.2013, and that too, without any steps whereas petitioners were present before it on the aforesaid date. In such a scenario, the CLB, Kolkata Bench has passed the order dated 26.04.2013. For ready reference, same is reproduced below: -

"ORDER



"No one is present from respondents' side. Ld. Pr. C.S. appearing for the petitioners has submitted that even though the copy of succession certificate has been duly lodged with the respondent company for transmission of shares, the respondent company has so far not taken any step for registration of the shares and the reason for the same has been stated to be that the copy of the succession certificate did not indicate the subject shares.

"In this regard, it is hereby directed that the petitioners should obtain the relevant succession certificate from the concerned authority/court incorporating the ownership of the subject

shares with distinctive numbers and lodge the same with the respondent company for transmission of such shares and registration of the same and if, thereafter, there is any rejection on the part of the respondent company, the petitioners are at liberty to come before this Bench praying for such transmission/ registration of shares by the respondent company.

"This order is passed ex parte in absence of the representative of the respondents' side and the petition is delisted till the necessary formalities, as directed above, are complied with by the petitioners.

"The petitioners are at liberty to mention the matter after complying with the requisite formalities, upon notice to other side.

Sd/-
(A BANDOPADHYAY)
Member"

As stated above, both the sides are absent today without any steps. However, for the ends of justice, Registry is directed to send fresh notice to the parties by Speed Post and same needs to be despatched to the Postal Department during the course of the day.

List this matter on 06.10.2016.

It may be stated here that in the event of failure of the parties or any one of them to appear before this court on the next date, this court will be constrained to pass necessary orders in accordance with law.



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

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