

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI

PRINCIPAL BENCH

C.P. No. 61(ND)/2017

IN THE MATTER OF:

Rohit Relan & Ors.

.....Petitioners

v.

Sharda Motor Industries Ltd. & Ors.

.....Respondents

SECTION : UNDER SECTION 241-242

Order delivered on 22.12.2017

Coram:

CHIEF JUSTICE M.M. KUMAR

Hon'ble President

Deepa Krishan

Hon'ble Member (T)

For the Petitioner(s):

Mr. Virendra Ganda, Sr. Advocate

Mr. Suhail Dutt, Sr. Advocate

**Mr. Pawan Sharma, Mr. Pritpal Nijjar, Mr. Anuj
Shah & Ms. Nripi Jolly, Advocates**

For the Respondent(s) :

Mr. Salman Khurshid, Sr. Advocate

**Mr. Jayant Mehta, Ms. Smarika Singh & Ms.
Mitali Chauhan, Mr. Saifur R. Paridi, Ms. Suveni
& Mr. Sourav Roy, Advocates for Respondent
Nos. 1 to 6**

ORDER

C.A. No. 466(PB)/2017

Learned Senior Counsel Mr. Ganda has drawn our attention to the text of the briefing given by one Mr. Pradeep Rastogi, President Legal and has pointed out the contents of para 11 and 18 which read as under:-

“11. Whilst the counsel for SMIL, on 11.07.2017 objected to the very maintainability of the aforesaid application filed by Mr. Rohit Relan, the NCLT, without any application of mind and from the outset was inclined to order *status quo* on the supplies made by the company to BSL and the same was accordingly, so ordered by the NCLT during the hearing on 11.07.2017. The



Company filed its reply to the aforesaid application on 08.08.2017. This application will be also taken up for hearing along with the main Company Petition.

18. On 16.10.2017 Notice for the Board Meeting to be scheduled on 23.10.2017 was circulated to the Board of Directors along with the agenda. One of agenda, i.e. Agenda Item No. 6 was to appoint SMIL's representative to attend and vote on its behalf at the meeting of bodies corporate, wherever SMIL is a member. This agenda was necessitated due to the confusion caused by the NCLT' order of 21.09.2017 which directed SMIL to also abide by the aforementioned alleged resolution dated 07.08.2015, even though there exists another resolution dated 22.05.2014."

It has also been submitted that despite the consensus order dated 24.11.2017 the information sought vide letter dated 04.12.2017 has been refused by the Company Secretary citing the reason that the matter was sub judice. Learned counsel has also submitted that the order dated 24.11.2017 has not been complied with in letter and spirit in such-much-as even the inspection and financial statements have not been provided even ^{when} directions were issued in the earlier order dated 27.04.2017.

Notice of the application.

Ms. Smarika Singh, Advocate accepts notice. A complete copy of the paper book has already been handed over to learned counsel for the non applicant-respondent.

Reply be filed on or before 05.01.2018 with a copy in advance to the learned counsel for the applicant-petitioner.

Rejoinder, if any, be filed before adjourned date with a copy in advance to the learned counsel for the non applicant-respondent.

We pointed out to Mr. Salman Khursid, learned Senior Counsel for the non applicant-respondent the contemptuous and intemperate language used in aforesaid para 11 and 18. We specifically impressed upon the learned Senior Counsel to consider the aforesaid paras and suggest us what steps would be sufficient to maintain the majesty and dignity of the Courts. At this stage we stay our hands from issuing any contempt notice which otherwise would be competent under the provisions of Section 425 of the Companies Act.

List for arguments on 08.01.2018.

Sd/-
(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT

Sd/-
(DEEPA KRISHAN)
(MEMBER TECHNICAL)

22.12.2017
Vineet