

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P. No. 38/(MAH)/2017
MA. No.651/2017

CORAM:

Present:

SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 13.12.2017

NAME OF THE PARTIES: Mrs. Vandana V. Chalke
V/s
Mrs. Smita A Yeole & Ors.

SECTION OF THE COMPANIES ACT: 397-398 of the Companies Act 1956
and 241-242 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
1.	Mr. J.P. Sen,	Senior Adv.	 Adv. for Respondent No.1 i/b. m/s. Federal & Rashmika
2.	Mr. Naushad	Engineer	
3.	Ms. Spenta	Havewala	
4.	Mr. Aadit	Sariyawala	
5	M.S. Bherdwaj a/c Harsh Kisharia		

ORDER

MA 651/2017 in CP 38/241-242/NCLT/MB/MAH/2016

On the mentioning made by the Petitioner side, saying that the Respondent company is going to hold a Board Meeting today at 3.00 p.m. for change of signatory power that has been given to Petitioner No.1, Respondent Counsel has made a submission that the Respondent company on its own has not proposed to hold this meeting but only to give effect to the Order passed by the Hon'ble High Court of Bombay on 13.10.2017, subsequently confirmed on 10.11.2017.

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On which , this Bench hereby clarifies that Respondent company will proceed as per the directions confirmed on 10.11.2017 by the Hon'ble High Court.

As to apprehension made by the Petitioner Counsel saying that giving a choice to the company to take the signature of 3rd Director in the event of refusal by the Petitioner No.1 herein can't be conceived that the right of the Petitioner for signing has been taken away, henceforth, the Respondent side as well as the Petitioner side shall have to act as per the order passed by the Hon'ble High Court in consonance with the NCLT Order passed by this Bench on 14.12.2016.

Accordingly, the Respondent side is hereby directed to file its reply to this application within three weeks hereof and rejoinder, if any, within three weeks thereof.

As to taking loan by the Respondent company, any decision taken by the company will remain subject to the outcome of this application. If any other grievance is left, the Petitioner is entitled to place same at the time of hearing of this application.

List this matter on 12.2.2018.

Sd/-

V. NALLASENAPATHY
Member(Technical)

Sd/-

B. S. V. PRAKASH KUMAR
Member (Judicial)