

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
MUMBAI

TCP No. 46/2012 & TCP No. 47/2012

Coram: B.S.V. Prakash Kumar, Member Judicial & V. Nallasenapathy, Member Technical

In the matter of Companies Act, 1956 under Sections 163.

And

Between:

Mr. Anilkumar Poddar (the Petitioner is common in two TCPs mentioned below)

v/s.

1. M/s. Reliance Industrial Infrastructure Ltd. (Respondent in TCP No. 46/163/2012)
2. M/s. Reliance Industries Ltd. (Respondent in TCP No. 47/163/2012)

COMMON ORDER

(Heard on 17.10.2016)

(Dismissed on 07.11.2016)

The Petitioner has filed TCP 46/2012 against Reliance Industrial Infrastructure Ltd. (RIIL) and TCP 47/2012 against Reliance Industries Ltd. (RIL) u/s.163 of the Companies Act, 1956, for supply of copies of Registers of Investments from 01.10.2011 to 31.12.2011 and copy of Register of Contracts from 01.10.2011 to 31.12.2011 and also for awarding exemplary costs to be paid by the Respondent companies to the petitioner for not providing copies as requested by the Petitioner.

The petitioner has remained absent, but for pleadings are complete, since the point in this case being short regarding inspection and supply of copies thereof, this Bench has decided these two cases on merits basing on the pleadings and submissions made by the Respondent Company by invoking Rule 48 of N.C.L.T r/w Explanation to Rule 2 and Rule 3 of Order 17 of C.P.C.

The Petitioner being common in these Petitions, their reliefs being common, the counsel appearing on behalf of the Respondents being common, the pleadings in all these two cases not being in variance, for the sake of brevity, this Bench hereby passed common order in all these Petitions.

The Petitioner submits that he is a shareholder of these two companies, whereby on 20.02.2012, this Petitioner sent an email asking for supply of the copies of Register of Investments from 01.10.2011 to 31.12.2011 and the Register of Contracts from 01.10.2011 to 31.12.2011 but whereas the Respondent companies did not reply to the email seeking the copies aforementioned, though

these companies are under statutory obligation to furnish the document to the Petitioner within 10 working days in the light of section 163 of Companies Act, 1956. For these companies failed to furnish the copies of documents without assigning any reasons, the Petitioner herein filed private Complaints No. 55/803906/11 against RIIL on the file of 8th Metropolitan Magistrate at Kila Court Esplanade Bombay u/s.163 and also private Complaints against RIL on the file of 47th Metropolitan Magistrate at Kila Court Esplanade Bombay – one Complaint No.55/261/2011 u/s.163 of the Companies Act, 1956 and another Complaint No. 55/260/2011 u/s.628 of the Companies Act, 1956.

The Petitioner says when the company refused to provide supply of documents in violation of section 163 of the Companies Act, 1956, the Petitioner was obliged to file these Petitions u/s.163 for the reliefs aforementioned.

These two Respondent companies filed replies stating that these companies provided required information to this Petitioner with a covering letter dated 07.02.2012, stating that they are forwarding the Register of Investments for the period 1.10.2011 to 31.12.2011, and informing in respect of the Register of Contracts that there were no entries in the Contract Register for the period 01.10.2011 to 31.12.2011, therefore, the Respondent submits that these Company Petitions be dismissed as infructuous.

Apart from the above defence, the Respondent Counsel submits that this Petitioner in the past also made malicious publications against the CMD of RIL by publishing some scandalous statements in his paper called Hamara Kaam. Responding to the same, the Respondent side filed Writ Petition before Hon'ble High Court of Delhi, and he had also gone to an extent of sending notice dated 16.4.2012 u/s.284 of the Act, 1956 seeking removal of Mr Mukesh Ambani as the Director of RIIL.

However, the past litigation in between the Petitioner and the Respondent company not being of any use to adjudication of this Company Petition, these Company Petitions have been decided going by the fact that the Petitioner filed these Company Petitions on 20.02.2012 i.e. after supplying these documents by the Respondent Companies to the Petitioner on 07.02.2012. This Petitioner having not disputed the supply of documents by the Respondent Companies, this Bench

will decide these Applications on the presumption that the Petitioner received the copies from the Respondent companies as contended by the Respondent companies.

The Respondent Company Counsel, without prejudice to their supplying copies of documents to the Petitioner, has made the following submissions stating that this Petitioner, hardly holding 1 or 2 shares of these companies having lacs of shares, filed these company Petitions to make a probe as if the action of the companies adversely affecting him.

The Respondent Counsel submits that these two companies are listed companies, whatever information this Petitioner wants, is available on the MCA portal and he is very much entitled to have access to these said information u/s.610B of the Companies Act, 1956.

The Respondent Counsel submits that when relief is sought u/s.163 of the Act, 1956 before the Tribunal, this Bench is not under mandate to pass an order directing the company for inspection or supply of documents merely on seeing a request for such direction, because this Tribunal is given discretion to apply as to whether such a relief is to be granted or not. Notwithstanding the other defences raised by the Respondent Company, for the Respondent Company already provided the copies of Register of Investment from 01.10.2011 to 31.12.2011 and in respect of Register of Contracts, also informed that there were no entries in the Register of Contract for the period of 01.10.2011 to 31.12.2011 and there being no denial from the Petitioner in respect of the Register of Contracts, this Bench is of the view that these companies having already complied with the mandate of section 163 by supplying copies to the Petitioners, these Petitions therefore do not deserve any merit for any relief as sought by the Petitioner hence these two Petitions are hereby dismissed as misconceived.

Accordingly, these TCPs, dismissed without costs.

sd/-

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

sd/-

V. NALLASENAPATHY
Member (Technical)