

NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P NO. 145(ND)/2016
CA NO.

CORAM:

PRESENT: CHIEF JUSTICE M. M. KUMAR
Hon'ble President


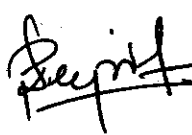
SH. R.VARADHARAJAN
Hon'ble Member (J)

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF SPECIAL BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 22.12.2016**

NAME OF THE COMPANY: Kailash Ram & Ors.
Vs.
M/s.Global Infocom Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 241/242

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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1.	Mr. GEETESH MEENA, Adv.		} → Petitioner	
2.	Mr. Santosh Tiwari, Adv.			
3.	Mr. Sanjay Mishra, Adv.			
3.	ADV. PALLAVI DEEPIKA		— For DEFENDENT No 6 HDFC BANK LTD	

ORDER

Petition has been mentioned. Despite service respondents have failed to put in appearance. Only respondent 6 i.e. HDFC bank has put in appearance.

Learned counsel for the petitioner has argued that despite the fact that respondents 2 and 3 have resigned as directors of the company yet they hold themselves out as directors and are issuing cheques creating liability on the respondent 1 company. According to the learned counsel the Board of Directors is comprised of three directors and the petitioners 1, 2 & 3 are the directors of respondent 1 company. On account of the fact that the whole record was in the possession of respondent 2 & 3 they have not been able to effectively control the issuance of cheques.

Contd....

In view of the above we restrain respondent 2 and his associates from issuing and signing of cheques of respondent 1 company. We also direct the HDFC bank – respondent 6 not to honor any cheque issued by respondent 2 or his associates. Since the petitioners are in the control of the company they are directed to maintain the status quo as it exists today with regard to the shareholding and the immovable property.

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

SD/-
(R. VARADHARAJAN)
MEMBER (J)