

COURT-I

NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

255  
Mentioning

C.P. No. 15/2017

CORAM: 1. Hon'ble Member (J) Ms. Manorama Kumari

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 31<sup>st</sup> January, 2017, 10.30 A.M

Name of the Company	Ritu Pathak. -Versus- Hapamuni Herbals & Pharmaceuticals Pvt. Ltd. & Ors.		
Under Section	397/398		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. REETOBROTO KUMAR MITRA, ADV

2. SHAUNAK MITRA, ADV

3. PATITA PRAN BISHUAI, ADV

Petitioner  
31/1/17

31-01-2017 – CP No. 15/2017 – Hapamuni Herbals & Pharmaceuticals Pvt. Ltd. & Ors.

ORDER

The Ld. Lawyer on behalf of the petitioner is present.

The petitioner moved the Petition on mention. Notice has already been issued upon the respondent(s) only on 19-01-2017. At this stage, the petitioner prayed for passing an interim order of injunction against the respondent(s) as reflected at pages 39-42.

Fix the matter for pronouncement of orders on 14-02-2017.



MANORAMA KUMARI  
MEMBER(J)

ORDER

The Ld. Lawyer on behalf of the petitioner is present.

The petitioner moved the Petition on mention. Notice has already been issued upon the respondent(s) only on 19-01-2017. At this stage, the petitioner prayed for passing an interim order of injunction against the respondent(s) as reflected at pages 39-42.

As submitted by the Ld. Lawyer of the petitioner, the petitioner is holding 3,59,500 equity shares of Rs.10/-each of and in the company, aggregating to 99.86% of the valid, issued, subscribed and paid up share capital of the company which is reflected in the annual report of the company filed with the Registrar of Company for the year 2013-2014.

The petitioner is also a Director of the company though the petitioner has been shown to have been wrongfully and illegally removed as a Director on March 13, 2016 by and/or at the instance of the respondent Nos. 2 and 3, which is the matter of challenge in the instant petition.

It is also submitted that since inception of the Company, it was the petitioner alone who looked after the business of the Company, though the mother of the petitioner was inducted as a share holder Director of the company at the time of incorporation. The entire contribution of the business of the company, both financial or otherwise, was at all material times made by the petitioner.

Towards the end of December, 2012, the petitioner's father, i.e. the respondent No.2 dishonestly and on the basis of false representations and assurances, induced the petitioner and her mother to appoint him as a Director of the Company and after his appointment he has written a letter to the respondent No.5, Bank on March 20, 2014 for release of purported subsidy amount in the name of the company, with the intention to use the same for his own personal purposes and gain.

The respondent No.2 had also purportedly increased the authorized share capital of the company from Rs. 10,00,000/- to Rs. 40,00,000/- and also purportedly allotted 3,40,000 equity shares of and in the company to himself and to Snehalata Pathak and thus the respondent No.2 started acted in a manner harsh and burdensome and oppressive to the petitioner and prejudicial to the public interest as well as to the interest of the company.

*Adhikari*



To that effect, the petitioner also had lodged a First Information Report (FIR against the respondents on 23<sup>rd</sup> March, 2016 with the Officer-in-charge, Namkum Police Station, Ranchi..

The respondents have also started siphoning off funds of the company. There have been several cash withdrawals by the respondent Nos. 2 and 3 and started diverting the fund of the company.

Thus, if the injunction is not granted, by waiving the notice to the respondents at this stage, in that event the respondents will succeed in their evil design to siphon of the entire money of the company and hence praying for interim relief.

Heard the petitioner at length. Seen the records and documents annexed therein.

There is a prima facie case and the balance of convenience is also in favour of the petitioner.

- ∴ Hence, the respondents are hereby directed to maintain the status quo with regard to the affairs of the company and/or intermeddling with the affairs of the company.

The respondents are also directed to maintain the status quo from altering and/or changing the share holding pattern of the company in any manner whatsoever.

Since there is allegations of siphoning of the money from Bank account of the Company, the respondents are also directed not to operate the Bank account of the Company till next date.

Fix the matter for orders on 14-02-2017.



MANORAMA KUMARI  
MEMBER(J)