

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI
TCP No. 98 of 2013

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

In the matter of Companies Act, 1956 under Section 219.

AND

Between:

Shri. Anilkumar Poddar

..... Petitioner

Versus

M/s. Muller & Phipps Ltd.

..... Respondent

Present on behalf of the parties:

None appeared for the parties.

ORDER

(Heard on: 11.11.2016)

(Pronounced on: 30.11.2016)

This Company Petition is filed by the Petitioner seeking copies of Memorandum and Articles of Association, and last five years' Annual Reports of the Respondent Company.

2. On perusal of the Company Petition record, it appears that this Company Petition was filed before Company Law Board on 18.09.2013, and there is a CLB Order dated 21.05.2014 directing Respondent Company to file an Affidavit along with the proof of delivery of documents. The said order is extracted as below:

"CP No. 98 of 2013

1. *The numbered Company Petition has been filed by the Petitioner under Section 219 of the Companies Act, 1956 thereby seeking the following order:-*

"a. To pass an order thereby directing the Respondent Company to send the copies of report and documents of the Company to the Applicant shareholder of the company.

b. Such further orders that this Bench may deem fit, having regard to the facts and circumstances of the case and thus render justice."

2. *Mr. Santosh S. Tawade, Manager of the Respondents Company states that the Company has already provided its 5 years Annual Report and copy of Memorandum and Articles of Association as per the demand notice.*

3. *The Respondent Company is directed to file an affidavit along with the proof of delivery of documents. The Petitioner may file rejoinder on or before the date fixed.*

4. *Renotify the C.P. on August 5, 2014 at 3.30 p.m. for hearing and disposal.*

*Sd/-
A.K. Tripathi
(Member Judicial)*

Dated this May 21st, 2014."

3. In compliance of the CLB order dated 21.05.2014, the Respondent Company already filed an affidavit dated 15.07.2014 in CLB on 30.07.2014, stating that the Company sent Memorandum of Association, Articles of Association Annual Return of last 5 years of the Company. For having the Respondent sent all the documents sought by the Petitioner, this Bench is of the view that nothing is left for adjudication in this matter.

4. As to this National Company Law Tribunal, jurisdiction is only limited to direct the company to provide Memorandum of Association, Articles of Association and Annual Report under sub-Section 4 of Section 219 of the Act 1956, and since the report and Memorandum & Articles of Association was already provided and the Petitioner admitted it was supplied to him on 13.03.2014, nothing is left for deciding in this case.

Accordingly, this Company Petition is dismissed as infructuous. No costs.

sd/-

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

sd/-

V. NALLASENAPATHY
Member (Technical)