

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH MUMBAI
T.C.A. Nos. 08, 10, 11, 23/2014**

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

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

And

Between:

Mr. Anilkumar Poddar (the Applicant is common in all the TCAs mentioned below)

v/s.

1. M/s. Rotam Commercial Ltd. (Respondent in TCA No. 08/219/2014)
2. M/s. Parichay Investments Ltd. (Respondent in TCA No. 10/219/2014)
3. M/s. IOL Netcom Ltd. (Respondent in TCA No. 11/219/2014)
4. M/s. Sunrise Asian Ltd. (Respondent in TCA No. 23/219/2014)

Present on behalf of the parties:

1. None for the Applicant and for the Respondents.

COMMON ORDER
(Heard on 11.11.2016)
(Pronounced on 30.01.2017)

The Applicant filed these four Company Applications against different Companies, namely M/s. Rotam Commercial Ltd. (Respondent in TCA No. 08/219/2014), M/s. Parichay Investments Ltd. (Respondent in TCA No. 10/219/2014), M/s. IOL Netcom Ltd. (Respondent in TCA No. 11/219/2014), M/s. Sunrise Asian Ltd. (Respondent in TCP No. 23/219/2014), seeking Memorandum of Association, Articles of Association, last five years' annual report, detailed Annual accounts of all the subsidiary Companies of the Respondent Company for the year 2011-2012 and 2012-2013 and statements of particulars of employee's u/s. 217 (2A) without mentioning for what purpose they are required.

The Applicant has remained absent, the Respondents were set Ex-parte on 17.03.2015, but for affidavit of the Applicant being on record, since the point in this case being short regarding supply of copies thereof, this

Bench has decided these four cases on merits basing on the pleadings and submissions made by the Applicant, 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 Applicant being common in all these Applications, the reliefs being common, the pleadings in all these four Cases not being in variance, for the sake of brevity, this Bench hereby passed common order in all these Applications.

The case of the Applicant is that he sent emails on 13.12.2013, 14.12.2013 & 09.01.2014 seeking copies of the documents mentioned above, but the Respondent Companies have not provided documents as requested by the Applicant.

The Applicant states that by refusing to provide the above documents to the Applicant who is a Shareholder, the Company has committed offence under Section 39, 212 & 219 of the Companies Act, 1956.

In view of this, he has prayed for the above reliefs and also for exemplary costs to be paid by Respondent Companies to the Applicant.

The Applicant, even though a Shareholder in these listed Companies, has not given any particulars and the purpose for which those documents are required. In this Company Applications, he mentioned that this Company misled investors by circulating wrong address at BSE and MCA portal, but has not placed any information before ROC or any other authority concerned that this Company misled the investors and also circulated wrong address and the Company carrying its business from unknown place.

It is needless to say that now days most of the information of every public limited Company is available either on the website of the Company or MCA portal, therefore, if the Applicant is a shareholder, he is entitled for inspection of the same under Section 610 of the Companies Act, 1956, and the copies of the same are admissible in evidence as of equal validity

with the original documents, so the Applicant can't say copies from portal are of no value.

For no reason being assigned and for this Applicant has recourse for getting inspection of the documents under Section 610 of the Act, 1956, this Bench has however limited this order to provide copies of the Annual Return of the year 2011-2012 and 2012-2013 filed with the Registrar of Companies which is shown as an item in the documents.

Therefore, the Respondent Company is hereby directed to provide last Annual Returns that is for the year 2011-2012 & 2012-2013 filed with the Registrar of Companies in compliance of Section 159 and 160 of the Companies Act, 1956 within 30 days.

Accordingly, this Company Applications are hereby disposed of.

Sd/-

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

Sd/-

V. NALLASENAPATHY
Member (Technical)