

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P. No. 426 /2010

Present: Hon'ble Member (J) Manorama Kumari

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 22nd September, 2016, 10.30 A.M

Name of the Company	Supriya das & Ors. -Versus- Sova Tea Company 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. JISHNU CHOWDHURY, ADV
2. S.R. KAKRANA, ADVOCATE
3. SATADEEP BHATTACHARIYA
ADVOCATE
4. SANJEEB SENI
ADVOCATE
5. SOUVIK KUNDU
ADVOCATE

for Sanjeeb Sen
Advocate
petitioner on 22-09-2016

1. MR. P. K RAY ADVOCATE
2. MR. DIPAK CHAKRABORTY ADVOCATE
3. MR. SOMIR KUMAR DASAR ADVOCATE

for
Respondents

Sanjay
22/09/2016

ORDER

The Ld. Lawyer on behalf of the petitioner as well as on behalf of respondents are present.

As per the order dated 16-09-2016, the respondents paid all the arrear amount to the petitioner to the tune of Rs. 77,500/- (Rupees Seventy seven thousand and five hundred only) which includes payment for the months of May, August and

September, 2016 @ Rs. 25,000/- per month ; along with accrued interest and also the payment towards the cost of Rs. 1000/-.

The respondents are directed to pay the monthly amount regularly to the petitioner within 7th of the month in which it falls due.

Perused the record.

One Company Application bearing No. CA/IA 10/2016 is pending wherein the respondents prayed for getting the account of the Company for the financial year 2015-2016 audited and for the said purpose prayed to hold the Board meeting and the Annual general meeting enabling the Company to file the statutory returns without prejudice to the right of the parties in terms of the order dated 17-7-2014, 27-11-2014 and 14-08-2015 passed in CA No. 577/2014, 744/2014 and CA No. 1222/2015 respectively. The copies of all the aforesaid orders are annexed to CA/IA No. 10/2016 which also form the part of Company Application.

In view of the above fact and since the respondents have also cleared the dues of the petitioner up to date, the respondents are allowed to get the Company Accounts audited for the financial year 2015-2016 and to hold Annual general meeting and file the statutory returns without prejudice to the rights of the parties.

If the aforesaid activities of the Company are not allowed to be carried out, then the Company will become defunct and will not be in a position to pay its Creditors as well as to its employees. Hence, to regularise the affairs of the Company, it becomes expedient to allow the Company accounts to be audited and filing of statutory returns as was earlier done.

The CA/IA No. 10/2016 is allowed and hence disposed of.

Fix the matter on 28-09-2016 as before.



MANORAMA KUMARI
MEMBER(J)