

**I.A. No. 01/NCLT/AHM/2016 IN
C.P. No. 79/397-398/CLB/MB/2014(Old)**

Present: Hon'ble Mr. BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Name of the Company: Vrajesh V. Dave
V/s.
Bhal Hotels Pvt. Ltd.

Section of the Companies Act: Section 397-398 of the Companies Act, 1956

S.NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	DEVIYANG MATHUR	C.A.	R-1	
2.	ABHIRAM JAIN	Advocate	R-2 & R-3	
3.	HITESH BUCH	PCS	for Petitioners	

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ORDER

Heard the Ld. CS appearing for petitioner and Ld CA for Respondent 1 and Ld Advocate for Respondents 2 & 3.

Ld CS appearing for the petitioner is mainly challenging the appointment of statutory auditor in the EGM held on 05.09.2016, on the ground that the meeting was not held validly and the appointment of statutory auditor has been made without circulating the required notes.

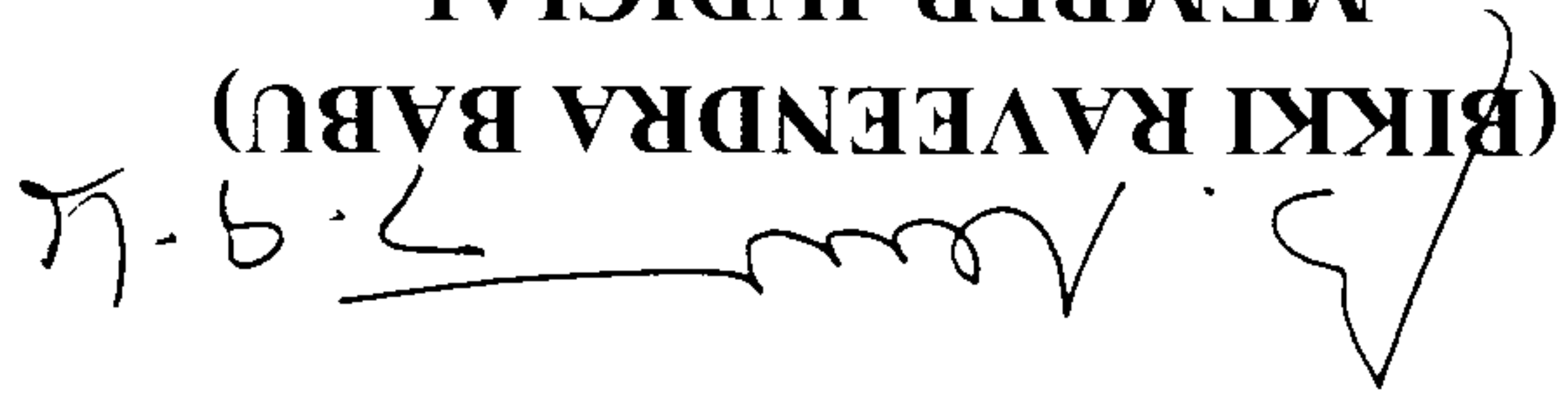
On the other hand, Ld. CA appearing for R-1 (company) and Ld. Counsel appearing for R-2 & 3 contended that the appointment of statutory auditor became necessary for the reason that the previous auditor resigned on 1.8.2016 and the EGM was conducted after due notice to all the concerned.

After perusing the material placed on record and after hearing the representatives of both parties, this Tribunal is of view that no ad-interim relief need be granted, more so in respect of appointment of statutory auditor, but the appointment of statutory auditor in the EGM held on 5.9.2016 is subject to the result of IA 02/2016 in TP 84/2016 (old CP- 79/2014). However, the statutory auditor can go ahead with his functions till the disposal of the application.

R-1 filed reply.

Ld. Counsel for R-2 & 3 filed memo stating that he is adopting the reply filed by R-1.

List the matter alongwith TP 84/2016 on 27.10.2016 for final hearing.


(BIKKI RAVEENDRA BABU)
MEMBER JUDICIAL

Dated this 7th day of September, 2016.