

NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

TP No. 57/219/NCLT/AHM/2016 (New)
C.P. No. 9/219/CLB/MB/2014(Old)

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

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 08.09.2016

Name of the Company: Anil Kumar Poddar
V/s.
Osian Industries Ltd.

Section of the Companies Act: Section 219 of the Companies Act, 1956

| S.NO. | NAME (CAPITAL LETTERS) | DESIGNATION | REPRESENTATION | SIGNATURE |
|-------|------------------------|--------------------|----------------|-----------------------------|
| 1. | ANIL KUMAR PODDAR | Analyst in person. | | Anil Kumar Poddar 8/9/16 |
| 2. | | | | |

ORDER

Petitioner present. None appeared for Respondent.

Heard the Learned petitioner. Perused material available on record and sec. 219 of Companies Act 1956 and sec. 136 of Companies Act 2013.

There is no provision in sec. 136 of Companies Act 2013 which gives jurisdiction to tribunal to direct the company to furnish copies of financial statements etc to the petitioner who is said to be shareholder in respondent company which is a public limited company.

But as per sec. 219 of Companies Act 1956, there is provision which enables the CLB to give direction to defaulting company to furnish a copy of financial statements etc to the shareholder forthwith.

As per sec.434(1) of Companies Act 2013, this Tribunal shall dispose of matters in accordance the provisions of the Act 18 of 2013.

The copies of annual statements sought by the petitioner relate to the period prior to coming into force of the Act 18 of 2013.

Moreover, petitioner is not in a position to state whether in fact annual general meetings were held by the company for five years preceding the date of the application which is filed on 28.1.2014.

Therefore, it is just and expedient to call for a report from the Registrar of Companies, Ahmedabad to state clearly whether AGMs were conducted by the respondent company for five years preceding the year 2014 and the action, if any, taken against the company in case they did not conduct AGM.

ROC Ahmedabad shall file his report within 4 weeks.

To hear further arguments whether NCLT has got jurisdiction to direct company to furnish statements to petitioner, list the matter on 28.11.2016.


(BIKKI RAVEENDRA BABU)
MEMBER JUDICIAL

Dated this 8th day of September, 2016.