

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

IA 47 of 2017 in C.P. No. 42/241-242/NCLT/AHM/2017

Coram:


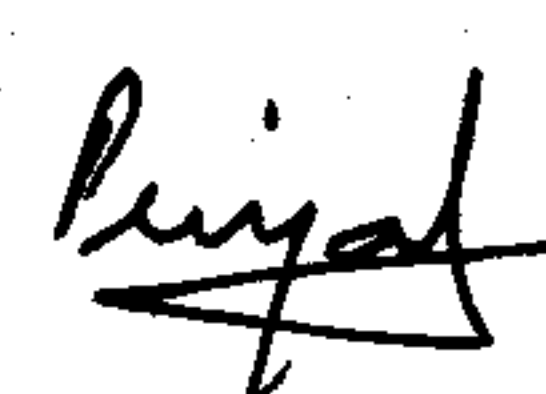
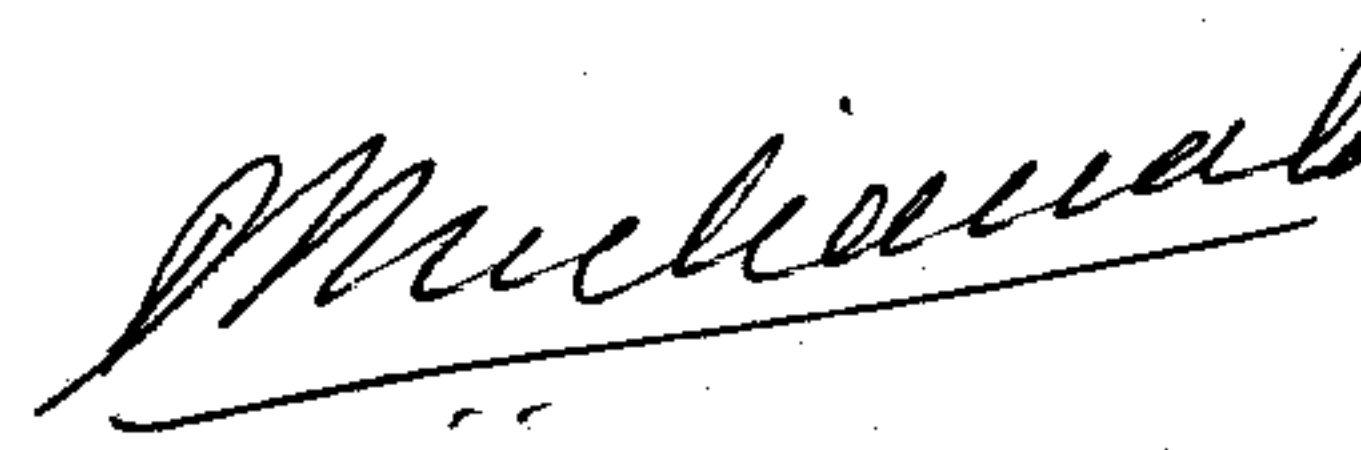
**Present: Hon'ble Mr. BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 13.04.2017**

Name of the Company: Virendra R Gandhi Ors.
V/s.
Vadilal Industries Ltd. & Ors.

Section of the Companies Act: Section 241-242 of the Companies Act, 2013

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
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1.	PARTH CONTRACTOR	ADVOCATE	R 1,2,4,5,6	
2.	PRIYAL PARIKH (NANAVATI ASSOCIATES)	ADVOCATE	R 1,2,4,5,6	
3.	KEYUR GANDHI	ADVOCATE	R-1,2,4,5,6	
4.	SAURABH SOPARKAR	SR. ADVOCATE	R-1,2,4,5,6	
5.	PAVAN S. GODIAWALA	ADVOCATE	R-3	
6.	Manish Bhatt	Sr. Advocate	} Petitioners }	}
7.	Arjun Sheth	Advocate & Solicitor		
8.	Karan Sanghani	Advocate		

ORDER

Learned Senior Advocate Mr. M R Bhatt with Learned Advocate Mr. Arjun Sheth with Learned Advocate Mr. Karan Sanghani present for Petitioners.

Learned Senior Advocate Mr. Saurabh Soparkar with Learned Advocate Mr. Parth Contractor with Learned Advocate Ms. Priyal Parikh with Learned Advocate Mr. Keyur Gandhi present for Respondents no. 1, 2, 4, 5 and 6. Learned Advocate Mr. Pavan Godiawala present for Respondent no. 3.

Heard learned Counsel for petitioner and learned Counsel for Respondents

Learned counsel appearing for Petitioner submitted that there are attempts by the Respondents to gradually ouster the petitioners from the management of VIPL and other group companies of Vadilal group. It is submitted that respondents are fastly claiming that they held board meetings, annual general meeting of VIPL and other family group companies of Vadilal. It is submitted that there are allegations of syphoning of funds, paying excess remuneration to the members of RRG family and BLG family, appointment of additional directors, wrongful termination of petitioners no. 1 as Managing Director etc.

Learned counsel for Respondents submitted that similar type of allegations has been made in all the three petitions and similar prayers have been made in all the three applications without any specification. He further submitted that there are no allegations that attract the jurisdiction of this Tribunal under section 397-398. Learned Counsel for Respondents further submitted that consent of 103 members for obtaining even before their names were registered as members in the Respondent no. 1 company and it is not known as to how the new members that just became members choose to question the alleged acts of oppression and mis management learned Counsel for Respondents submitted that if the consent of the 103 members is not taken into consideration petitioner is not having required eligibility to file this petition in terms of number of members contemplated under section 399 of Companies Act.

This tribunal is of a view that the validity or otherwise of the consents given by 103 members for the purpose of filing this petition can only be gone into at a later stage but not before admission. At this stage this Tribunal is concerned only with the allegation made in the petition.

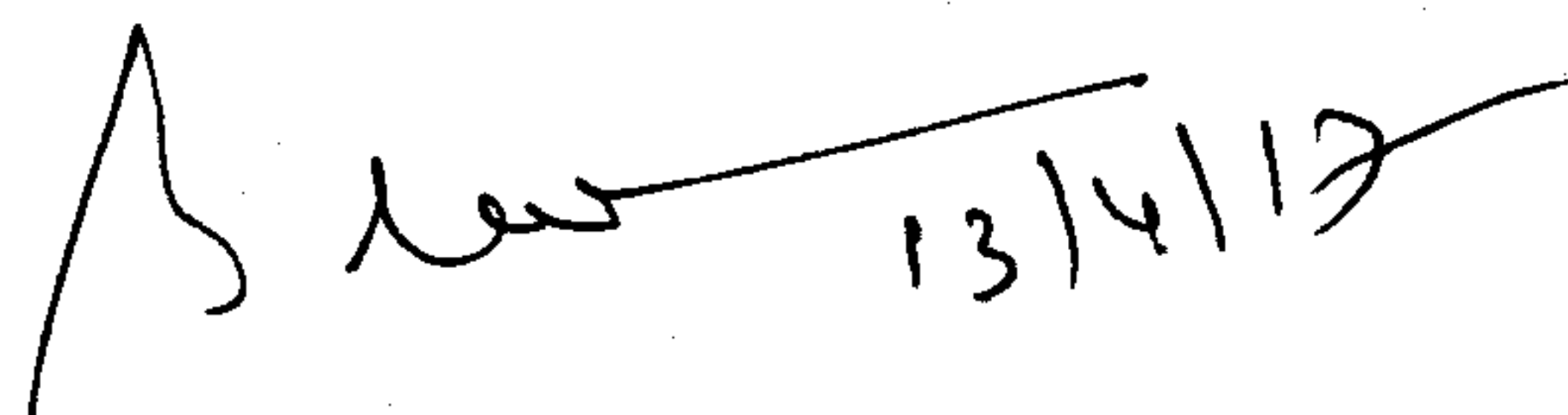
Perused the petition.

Some of the allegations made in the petition attract ingredients of 397-398. Hence, petition is admitted.

Respondents shall file their reply within four weeks serving a copy in advance to the petitioners.

Petitioners shall file rejoinder, if any, within two weeks from the date of filing of the reply serving a copy in advance to the Respondents.

List the matter on 29.05.2017 for hearing.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 13th day of April, 2017.