

National Company Law Tribunal  
Allahabad Bench  
Allahabad

CP No. 76/2002

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD  
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 30.09.2016.

NAME OF THE COMPANY: Shri Arvind Mohan Johri

Vs.

M/s Mohan Carlton Hotel Pvt. Ltd.

SECTION OF THE COMPANIES ACT: u/s 397/398 of Companies Act, 1956.

Sl. No.	Name	Designation	Representation	Signature
1.	CA Arvind Johari	Petitioner No 1 (in person)	Petitioner No 1 & 2	Arshan
2.	Carlton hotels	Respondents	Warranties	Udai Chandani

**Order dated 30.09.2016**

**CP No.76 (ND)/2002 Shri Arvind Mohan Johri Vs. M/s Mohan  
Carlton Hotel Pvt. Ltd.**

Notice was issued to the respondents. Shri Udai Chandani  
Ld. counsel appeared for all the respondents and also filed a short  
counter affidavit. The petitioner in person Mr. Arvind Mohan  
Johari raised the preliminary objection that the company cannot be  
represented by the Directors because by virtue of provisions of  
Sections 164 and 167 of the Companies Act, 2013 these directors  
are exited from the Board having attained disqualification in law.  
The Bench have considered the circumstances highlighted by Mr.  
Johari and his submission that he had already written to the Central  
Government about vacancy of directors to the company.

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We have heard Ld. Counsel Shri Udai Chandani representing the respondents on the locus standi issue. For orders on this issue, list on 19.10.2016. In the meanwhile, both the parties are requested to file synopsis confining to the preliminary objection, along with supported documents.

The matter shall be listed on 19.10.2016.

  
SH. V.S.R. AVADHANI (Judicial Member)

  
SH. H.P. CHATURVEDI (Judicial Member)

Dated 30.09.2016