

NATIONAL COMPANY LAW TRIBUNAL: ALLAHABAD BENCH

(In Company Petition No. 65 (ND) of 2014)
Dated Thursday, the 17th Day of November, 2016

Quorum: Mr. V.S.R. Avadhani & Mr. H. P. Chaturvedi, Members-Judicial

Between

Mrs.Kumud Bhargava.....Petitioner

And

M/S Associated Chemical Industries(Kanpur)& Ors.....Respondent

ORDER

(Per Mr. H. P. Chaturvedi, Members-Judicial)

The case is fixed for and taken up for pronouncement of order in CA No.85/2016. The applicant Mrs. Kumud Bhargava in this CA has sought a prayer for seeking enforcement of order dated 11.4.2016 read with 4.8.2014 passed by CLB, New Delhi Bench. It is contended by petitioner in present application, respondent company is not willing to comply with the Hon'ble CLB order in Letter and spirit. Therefore, she is compelled to file present petition. It has also been submitted even after issuance of board direction, petitioner took up the matter with respondent company and other respondent for allowing inspection of Accounts and other books and papers, accompanied with her counsel but so far neither she nor her counsel has not given access to record of the company.

We have heard counsel for petitioner as well as representative of the company Shri Anurag Bhargava. The representative of company Shri Anurag Bhargava has refuted such allegation and submitted that the company never objected the inspection carried out by applicant on appointed date, in fact the petitioner was sent a communication on behalf Respondent company on 05.04.2016 offering the petitioner to inspect record and documents on business hours specifically on 22.04.2016 at 2 Pm but such opportunity was not availed by petitioner.

This fact has been disputed from petitioner side stating that petitioner has not been allowed for inspection though her counsel alone or accompanied by her as she is entitled to have inspection of the company record, including the minute of board meeting, companies account as been directed. She also send a letter of leave of absence from Extra ordinary general meeting.

In support of her contention the petitioner counsel has relied upon various decision of High Court and CLB, wherein legal right of director to inspect the document is well settled. In *SugraBahi Ali Bhai vs Amtee Propetrties Pvt. Ltd.& Ors*¹ held that



¹ 1984(55)Comp CAS 734 Bom

a director can make inspection of record through its agent and has a right to take a copy of document.

This legal position is undisputed. The petitioner also placed reliance on previous order of this tribunal, Principal Bench. New Delhi dated 31.08.2016 in **Kamal Prasad vs Sai Nath Link Pvt Ltd. & Ors** wherein principal bench has granted interim relief to petitioner including the inspection of statutory record of respondent no 1 company along with CS/ CA if they are accompanied by director.

In the present case, the petitioner has sought relief for inspection of documents through her counsel or alone.

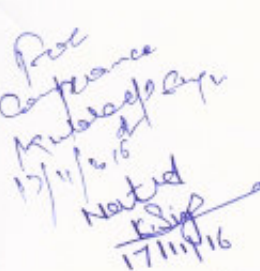
After carefully examining the issue in present CA . We are of the view that other respondent should comply with the direction issued by CLB. by allowing petitioner access of companies document as per the provision of Companies Act. The petitioner may visit the registered office of the company for inspection of record along with her/his one of the professional agent or advocate by giving one weeks' notice and such inspection should be carried out between 10Am -4 Pm during office hours. The respondent company should provide copy of statutory documents as per provision of Companies Act and order of CLB.

In case the petitioner is accompanied by its counsel, it should be open to respondent company to have their counsel during course of inspection to facilitate smooth conduct of inspection and in order comply with direction of CLB in letter and spirit. The cost of legal expenses to be born by respective parties. The respondent counsel is further directed to submit a compliance report of this order within 4 weeks from the date of receipt of copy of this order.

Petition allowed.


V.S.R. AVADHANI, MEMBER-JUDICIAL


H.P. CHATURVEDI, MEMBER-JUDICIAL


Dated 17th November, 2016