

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No. 31/(MAH)/2016
CA No.

CORAM:

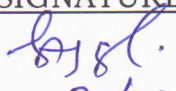
Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 20.09.2016

NAME OF THE PARTIES: Mr. Rajesh Gunvantrai Mehta
V/s.
M/s. Healone Holistic Healthcare Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398 of the Companies Act 1956
and 241/242 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
1.	Suhas Joshi	Advocate for Petitioner.	 20/09/16.

Order

CP No. 31/397-398/CLB/MB/MAH/2016

The Petitioner counsel mentioned this CP, stating that Petitioners together have 50% Shareholding in the Company and for having R1 failed to allot shares in furtherance of shareholders' agreement drafted between the parties. The counsel says that R1 had on numerous occasions convened Board meetings as well as General Meeting without notice to the Petitioners.

Therefore, the Petitioner herein seeking Interim Relief restraining R1 from holding Board Meetings and General Meetings of R2 Company and also for restraining R1 from leaving this country.

The Petitioner Counsel submits that he has already given notice to R1 & 2 supplying company petition, despite service of notice to the Respondents, they remained absent today.

On hearing the Petitioner Counsel, and on seeing the Company Petition, it appears to this Bench that this CP was posted long before, i.e., on 07.12.2015, thereafter, this CP was not pursued till 11.09.2016. Mentioning letter was given on 14.09.2016 without any application or affidavit showing urgency for seeking interim reliefs. But the Counsel started arguing the Company Petition filed on 07-12-2016 as if there is some urgency in a company petition filed nine months before.

On perusal of this Company Petition, it is further revealed that the petitioner has not filed any Share Certificates showing that this Petitioner is 50% shareholder in the Company. The petitioner is claiming transfer of some shares to the petitioners basing on a draft agreement alleged to have been executed on 01.06.2013, but, till date, the final agreement has not been executed for allotting shares to P2, whereby this Bench has not noticed any urgency for passing interim reliefs.

For there being no urgency and no cause of action to take it up as a mentioning matter, since the Respondent side is absent, this Bench hereby directs the Respondents to file reply within two weeks and rejoinder within two weeks thereafter with a direction to the Petitioner to communicate this order to the Respondents and file proof of service within 15 days hereof.

List this matter on 07.11.2016.

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

Sd/-

V. NALLASENAPATHY
Member (Technical)