

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No.05/(MAH)/2016
CA No.

CORAM:

Present: SHRI M. K. SHRAWAT
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 18.08.2016

NAME OF THE PARTIES: Shri Hemant Mahabala Kotian

V/s.
M/s. Batto Green Batteries India Pvt. Ltd.

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

S. No.	NAME	DESIGNATION	SIGNATURE
①	cs Anagha Anawingaraju	PR for Respondents No. 1 to 3	aanagha
②	Adv Chirag Sonecha	Adv for Petitioner	@Sonecha

Order

CP. No. 05/241-242/CLB/MB/MAH/2016

1. Ld. Counsels from the side of the Petitioner as well as Respondents are present.
2. From the side of the Petitioner allegations of "oppression" and "mismanagement" have been made and also alleged that the shareholding was diluted from 50% to 33% without the consent of the petitioner as also without following the prescribed procedure.
3. From the side of the Respondent it is accepted that the Reply to the Company Petition had so far not been submitted but to be filed today itself. Ld. Counsel of the Respondent has also raised the issue of "Maintainability" of the Petition. However no formal application was moved so far. Ld. Advocate has also pleaded that the shares were transferred on Petitioner's own volition as legally permitted under the statute. Due to splitting of the holding of 5000 shares, as opted by the Petitioner, 1667 No. of shares were transferred and the Balance 3334 shares are still with the Petitioner.
4. On hearing the submissions of both the sides at some length and also on perusal of the case records an Interim Order is hereby passed as under:-

MKJ

- a. That the Respondent Company shall maintain the Status-quo in respect of the present shareholding of the Petitioner, stated to be 33% i.e. 3334 number of shares; till further orders.
- b. That the Respondent company shall supply the photocopy of the Share Certificate of all the members to the Petitioner.
- c. That the Respondent shall provide a photocopy of the "Attendance – Register" to the Petitioner.
- d. That Respondent shall file Reply and a copy to the Petitioner. In this regard an undertaking is given by Ld. Advocate of the Respondent that the reply shall be filed shortly.
- e. That the Respondent's Advocate seeks time to file an Application challenging the maintainability of the Petition. Time is granted. If decide so, the same can be filed; on or before 13.09.2016.
- f. That Rejoinder, if any, on the question of maintainability can be filed by the Petitioner latest by 22.09.2016; and a copy to the Respondent.
- g. That both the sides are restrained from performing any act which is detrimental to the interest of the Company.
- h. Next date of hearing is fixed for 29.09.2016; duly communicated to both the parties in the open court.

sd/-

M.K. SHRAWAT
Member (Judicial)

Dated: 18th August, 2016