

**NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH**

**CP NO. 134/Chd/CHD/2017**

In the matter of:

Crystal Energy and Foods Ltd.

...Petitioner

Present: Mr.P.D.Sharma, with Mr.G.S.Sarin, Practicing Company Secretaries for the petitioner.

Having heard the Authorised Representatives of the petitioner company, it seems that compliance has not been made with regard to the proviso of rule(3) of Rule 68 of NCLT Rules, 2016. There is no affidavit showing that there is no creditor or debenture-holder of the company and if so, it should be drawn up to the latest prescribed date preceding to the date of filing the petition as per the said Rule.

It further seems that there are 7 shareholders of the company as per list at page 87 but the meeting was called by issuing special notice to other 6 shareholders. The Authorised Representative of the petitioner-company states that the factum of death of Ms.Gursharan Kaur, the shareholder has not been stated in the original petition but depicted in the supplementary documents filed with the affidavit dated 18.5.2017 of Mr.Jaspal Singh, Authorised Signatory. The documents along with the affidavit be taken on record.

However, the date of death of Ms.Gursharan Kaur is still not stated nor the names of her legal representatives have been given. Anyhow, this

petition has been filed on the basis of special resolution and it is admitted that notice to legal representatives of the deceased member was not issued which seems to be the requirement of sub-section 3 of Section 101 of the Companies Act, 2013. The petitioner is directed to file specific affidavit stating all the above facts and clarifications by the next date fixed. As per office report, the response from Registrar of Companies has, however, been received and the same be taken on record.

List the matter on 11.07.2017 for arguments. Compliances as aforesaid be made at least 3 days before the date fixed.

— Sd/ —  


(Justice R.P. Nagrath)  
Member (Judicial)

June 01, 2017  
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