

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

CA Nos.78 & 79 of 2017
IN
CP NO.154/Chd/Pb/2017

Sanjay Gupta and Ors.

...Petitioners

Versus.

M/s. Supreme Tax Mart Ltd. and Ors.

...Respondents

Present: Mr. Aman Bahri and Ms. Astha Ray, Advocates for petitioner
Mr. Praveen Gupta, Advocate for respondents.

Learned counsel for petitioners submits that he is not pressing Misc. Application No.78/2017 at this stage as the meeting proposed for 08.06.2017 was ultimately cancelled. The application is, therefore, dismissed as withdrawn.

With regard to CA No.79/2017 it is, *inter alia*, contended by learned counsel for petitioners that valid requisition was sent by the petitioners to the Board of Directors on 04.05.2017 for holding meeting of members which the Board has not convened. The learned counsel refers to sub-section (4) of Section 100 that in case of default of the Board to hold meeting on such a requisition, the petitioners can requisition the Board meeting within a period of 90 days from the said date. The petitioners made an effort in getting list of shareholders of the Company which is a listed company from M/s Beetal Financial and Computer Services Private Limited but the Company Secretary of the Respondent wrote a communication to M/s Beetal Financial and Computer Services Private Limited that the Company cannot call EGM as requested by Sanjay Gupta, the matter being sub-judice.

Notice of CA No.79/2017 to the respondents. Mr. Praveen Gupta, Advocate for the respondents is present and accepts notice on behalf of the

Praveen Gupta

-2-

respondents. The matter be listed on 10.07.2017 for reply to the application and for arguments. Reply be filed by the next date with copy advance to the counsel for the petitioners. The respondents would also explain as to why the Company Secretary of the Respondent-Company should not be called up to appear in person to explain about his conduct for writing to M/s Beetal Financial and Computer Services Pvt. Ltd. which has resulted in the said agency refusing to supply list of shareholders of the company. The learned counsel for petitioners has also expressed his apprehension that the period of 90 days would expire if the application is not disposed of at the earliest. The question whether the Tribunal may grant extension of the period from 90 days fixed in the statute under the circumstances, is kept open. Counsel for both the parties will also argue on the question of extension of time by the Tribunal.

In the meanwhile, the respondents may also consider handing over complete list with addresses of the shareholders by 07.07.2017

— Sd/ —
(Justice R.P. Nagrath)
Member(Judicial)

July 05, 2017
arora