

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

CP NO. 141/Chd/Hry/2017

**Under Section 14 (1) of
the Companies Act, 2013**

In the matter of :

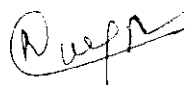
Daffodil Software Limited,
15th Floor, Tower A-3, DLF Silokhera SEZ,
Sector 30,
Gurgaon-122001.

...Petitioner.

Present: Mr. Rajeev Ranjan Pandey, Advocate with Ms. Shivangi Singh, Practising Company Secretary for petitioner.

The learned counsel for the petitioner submits that the petitioner sent notice for the date of hearing for 29.05.2017 to the creditors, Registrar of Companies and Ministry of Corporate Affairs by registered post and also advertised date of hearing in 'Awame Hind' (Hindi) and 'India Horizon' (English) both dated 15.5.2017. However, affidavit has not been filed nor the Track Reports for delivery of postal articles to the creditors, have been filed. The affidavits of Authorised Representative and the petitioner-company along with the Track Report of postal department be filed by the petitioner.

In Annexure A-9 (page 81 of the Paper Book), it is certified by the two Directors of the company that there are five shareholders in the company and all attended the Extraordinary General Meeting whereas the learned counsel contended that as per the list at page 81-A, there are 15 shareholders. Mr. Yogesh Aggarwal and Mr. Sachin Garg, Directors of the company shall explain the aforesaid discrepancy as to



how they issued the above certificate. The aforesaid explanation be

furnished by filing their respective affidavits at least three days before the next date. The affidavit shall also contain the statement as to whether the company has accepted any deposits and further if the petitioner-company has any debenture holders.

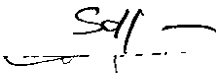
It is further directed that the proof of service of notice to all the 15 shareholders of the EOGM shall be filed by way of affidavits of the aforesaid two Directors along with the documents indicating that the notices were duly delivered to all the 15 shareholders.

As per proviso to sub-rule (3) of Rule 68 of the N.C.L.T. Rules, 2016, the affidavit of the Company Secretary, if any, and not less than two Directors, one of them has to be Managing Director, where there is one, to the effect that they have made a full enquiry into the affairs of the company and, having done so, have formed an opinion that the list of creditors is correct as per requirement of the provision. Though the affidavits of two of the Directors have been filed but the perusal of the same would show that these have not been furnished in the general format of the affidavit in form No. NCLT-6 as to which of the paragraphs have been verified on the basis of information derived from record and which paragraphs on the basis of knowledge and belief of the deponent. It is directed that fresh affidavit in support of the petition in the prescribed format be filed. The affidavit should further state that there was no Company Secretary employed by the petitioner-company and whether any of the aforesaid Directors is the Managing Director of petitioner-company.



The matter be now listed for hearing on 01.08.2017 and

the affidavits/documents/compliances as detailed in this order be filed at
least three days before the date fixed.


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

✓ July 07, 2017.
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