

**CP NO. 132 (ND)/11
RT No.41/2016**

Vikas Garg & Anrs.

...Petitioners

Versus.

M/s James Hotels & Ors.

...Respondents

Present:- Mr.Atul V.Sood, Advocate for petitioner No.1.
Mr. S K Madan, Petitioner No.2, in person.
Mr.Gaurav Mankotia, Advocate for respondents No.1 to 7.
Ms. Poonam Verma, Advocate for respondent No.8.

Mr. Khajan Singh, Junior Technical Assistant, Office of Registrar of Companies, Chandigarh has produced copy of the Annual Return for the year 2010-11 which has been taken from the MCA Portal. It shows that the same was filed online on 22.10.2014. Learned counsel for the respondents also contends that he is filing CA for placing on record DDR of 2009 regarding loss of certain documents and he is also filing copy of Annual Return for the year 2010-11 for which the official of the Registrar of Companies was also summoned. The same be filed in the registry during course of the day.

Learned counsel for the petitioners submits that the petitioners have already filed CA No.149 of 2014 in which among others the prayer was also made for production of register of members and share transfer register. It is submitted that register of members is required to be maintained in terms of

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Sections 150 &151 of the Companies Act.

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The matter be posted for 18.11.2016 for arguments. The petitioners would file reply to the application by the next date and respondents to file affidavit with regard to the register of members and register of share transfers.

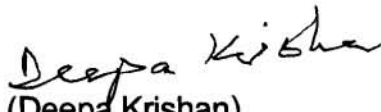
This matter was received by transfer from the Company Law Board and taken up for the first time on 08.08.2016. Mr. Gaurav Mankotia, Advocate filed Power of Attorney for respondents No.1 to 7 and sought time for seeking no objection from the previous counsel which was complied on 08.08.2016. The official from the office of Registrar of Companies was summoned to produce the Annual Return for the year ending 31.03.2011 and the same was produced. He was also directed to produce the Annual Return for the year 2011-12 on the adjourned date i.e. 23.09.2016. The Assistant Registrar of Companies who came present made statement that he was unable to produce the Annual Return of 2010-11 as the same could not be traced from the system. Misc. Application was however filed by the petitioners for placing on record the affidavit of Mr. Surjit Singh Gulati and Jasbir Singh and after seeking reply the documents were ordered to be taken on record subject to just exceptions. One more Misc. Application was filed on which it was observed that the same be argued along with main petition. The petitioners however brought to the notice of Tribunal that GAR

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Form 7 would suggest that company filed Annual Return for the year 2010-11 on 22.10.2014. The official from the office of Registrar of Companies was summoned for today i.e. 7.11.2016. The official appeared and filed ^{a copy of} the Annual Return. The matter has now been adjourned for reply to another CA and also the affidavit, and for arguments on CA No.149 of 2014 for 18.11.2016. For the foregoing reasons, a request be submitted to the Hon'ble President, National Company Law Tribunal, New Delhi for seeking extension of three months more time for disposal of the case.


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


(Deepa Krishan)
Member (Technical)

November 07, 2016

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