

CP NO. 72/Chd/2016

Mr. Pradeep Chaudhary & Ors.

...Petitioners.

Versus

M/s New Suraj Transport Co. Ltd. & Ors.

...Respondents.

Present: Mr. Rajansh Thukral, Advocate for petitioners.
None for respondents.

The learned counsel for petitioners has filed affidavit of petitioner No. 1 Mr. Pradeep Chaudhary along with the documents. There are also affidavits filed by petitioners No. 2 and 3 separately. The same be taken on record.

Learned counsel, inter-alia, contends that the company had filed Annual Returns of so many years from 2006 to 2010 on 09.01.2012 and for the year 2011 it was filed on 24.11.2011. Copies of these Annual Returns are also part of the Paper Book of affidavit. Learned counsel further contends that the petitioners had earlier filed CP No. 20 (ND)/2014 / RT No. 31/2016 and another CP No. 135 (ND)/2012 / RT No. 18/2016 but those petitions were permitted to be withdrawn with liberty to file fresh petition on the same cause of action. It is also contended that petitioner No. 3 who was a Director of the company was even served with notice of meeting of Board of Directors in the year 2005 which he attended and thereafter no notice was served upon him. It is submitted that petitioner No. 3 as well as other petitioners have been writing to the company with copy of communication to the Registrar of Companies but the respondent company never sent any response.


Representations were also made to the Registrar of Companies. To the utter



surprise, the petitioners received communication on 20.03.2013 Annexure 23 from Registrar of Companies informing that they were not the members of the company with which the response of the respondent company was attached whereby reference was made to a private settlement entered into with 12 share holders of the company on 04.08.2007. It is contended that no such settlement is permitted under the Companies Act. The learned counsel further submits that the original share certificates are still in custody of the petitioners.

Notice of motion to all the respondents for 12.12.2016. The petitioner directed to despatch the notices along with copy of the petition to all the respondents separately by Speed Posts for 12.12.2016. The compliance be made by the petitioners within three days and the petitioners would file affidavit stating compliance along with the acknowledgement dues of despatch of notices by Speed Post at least three days before the date fixed. It is submitted that copies of entire Paper Book have already been sent to the respondents which have been duly delivered.

Application filed under Rule 11 read with Rules 34 and 81 of the NCLT Rules, 2016 is also pressed. The registry has not entered the same in the register as CA. Registry to make compliance. Notice of this application be also sent to the respondents for 12.12.2016


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

November 17, 2016

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