

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

**CA No. 233/2017
IN
COCP NO. 06/Chd/Pb/2017
IN
CP No. 84(ND)/2013
RT CP No. 28/Chd/Pb/2016**

Arun Kumar Goyal & Anr. ...Petitioners-contemnors

Vs.

M/s. Aar Kay Chemicals Pvt. Ltd. & Ors. ...Respondents.

Present: Mr. Salman Khurshid, Senior Advocate with Ms. Tushita Ghosh & Ms. Shubhi Sharma, Advocates for Applicant.
Mr. Prateek Gupta, Advocate for Arun Kumar Goyal, Mr. Ravi Nandan Goyal & Shiv Kumar Goyal.
Mr. Gurmandeep Singh Sullar, Advocate for respondent Nos. 1 to 6, 8, 9, 15 & 16.

The instant application has been filed in COCP No. 06/Chd/Pb/2017 which is already fixed for 08.20.2018. Mr. Salman Khurshid, learned Senior Advocate for the applicant, who was respondent No. 7, submits that the petitioners and respondent No. 20 have committed violations of the directions passed in the order dated 15.11.2017 in CP-84/ND/2013 / RT CP No. 28/Chd/Pb/2016. The concern of the applicant presently is that the alleged contemnors are taking steps to change the decision with regard to allotment of shares for which the matter was already closed vide order dated 15.11.2017 in the aforesaid Company Petition. It is further submitted that it has come to the notice of the applicant that a notice dated 30.11.2017 (Annexure A-2) has been sent by Mr. Arun Kumar Goyal and Ravi Nandan Goyal

(Petitioner Nos. 1 and 2 in CP No. 84/ND/2013) requesting the company to reopen allotment of 'rights issue' for which decision was already taken in October, 2012 and the said allotment was declared valid.

Notice of this application to petitioner Nos. 1 and 2 and respondent No. 20 of main CP No. 84/ND/2013. Mr. Prateek Gupta, Advocate accepts notice on their behalf. Mr. Prateek Gupta, Advocate on instructions states that petitioners No. 1 and 2 and respondent No. 20 in the original petition undertake that they will not act upon and proceed to take decision on the letter dated 30.11.2017 but that is without prejudice to whatsoever was permitted vide order dated 13.12.2017 passed in CP No. 276/Chd/Pb/2017 about the decisions which could be taken in the normal course of business by the Board of Directors of R-1 company, till the first Extraordinary General Meeting is held. This undertaking is taken on record.

In view of the above, CA No. 233/2017 stands disposed of.

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

December 21, 2017

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