

ORDER

Counsel for both the parties are present. The Application that has been filed by the Respondent and numbered as IA/179/2017 is containing the prayer for sending the agreement dated 28.04.2014 to the forensic expert for verification of the signature of the Managing Director of the Company. Perused the petition and heard both the Counsels. The CP/31/2017 is primarily contains prayer for declaring the EGM held on 30.10.2014 by which the authorized capital was increased and allotment of shares was made without following the established procedure. However, a prayer has also been made in the petition that the Respondents be directed to return the loan advance to the Company with the help of Petitioner's Company, relatives and friends immediately without delay. This relief is not being covered under the provisions of Section 397 and 398 of the Companies Act, 1956. The Petitioner could have moved to the Civil Court for claiming the recovery of the alleged loan advance or may pursue other remedies available in law. Therefore, there is no requirement to send the document dated 28.04.2014 for forensic examination. The Application filed by the Respondent is **rejected and dismissed**. Counsel for Respondent is directed to file comprehensive reply to the Company Petition within two weeks. Put up on **25.09.2017 at 10.30 A.M.**

MEMBER (TECHNICAL)

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MEMBER (JUDICIAL)