

Court-I

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**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. No. 43/2013

Present: Ms. Manorama Kumari
Hon'ble Member (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 16th August, 2016, 10.30 A.M

| | | | | |
|---------------------|--|---|---------------------|--|
| Name of the Company | | Housing & Urban Development Corporation Ltd. -Versus- Pragati Social Infrastructure & Development Ltd. & Ors. | | |
| Under Section | | 397/398 | | |
| Sl. No. | Name & Designation of Authorized Representative (IN CAPITAL LETTERS) | Appearing on behalf of | Signature with date | |

1. Jaydip Kar, Senior Adv.
2. Siddhanta Banerjee, Adv
3. Victor Melli, Adv

for petitioner

Dr Adv
16/8/2016

1. Soorya Ganguli
2. Anubrata

~~3. Anubrata~~
~~4. Anubrata~~

3. Aniruddha Roy

for resp 2, 5b.

Dr Adv
16/8/16

O R D E R

Petitioner is present through his Ld. Lawyer and Respondent No. 1, 2, 5, 6, 9 and 10 are present through their respective Ld. Lawyers. Other Respondents are absent without any steps. Hence, the case is proceeded against them ex parte.

On perusal of the record it is found that one CA No. 245/2015 is pending in respect to the amendment of pleading.

Petitioners submitted that in the main Company Petition he has pleaded/mentioned with regard to meeting held on 26th August, 2008 and to that effect he has also annexed the documents along with the CP. Later on, vide his letter dated 18-09-2009 the then Nominee Director of the Petitioner insisted upon the Company to provide copies of all Agreements and other instruments if any, pertaining to the issuance of Redeemable Non-convertible Zero Coupon Debenture for Rs. 22.50 crores, then in response to the said letter, the Company vide its letter dated 22-09-2009 handed over another resolution of Board meeting of the same date i.e. of 26-08-2008 which as per Petitioner seem to be the correct version of the resolution passed on 26-08-2008 but due to inadvertence, the Petitioner could not annex the same in petition. Hence prayed to allow him to file the said resolution dated 26-08-2008 issued by Company vide its letter dated 22.09.2009 with an amendment in the petition.

Heard the Respondents 1, 2, 5 and 6 at length who has vehemently objected to application so filed by petitioner for amendment.

In view of the fact that there are two resolutions of the same date, as such, to arrive at just decision of the case, CA No. 245/2015 is allowed. The respondent shall get ample opportunity to argue on those two resolutions dated 26.08.2008 at the time of final hearing of the CP. CA 245/2015 stand disposed off.

Petitioners are directed to file their amended petitions within the period of two weeks with copy to the Respondents and further two weeks time is allowed to the Respondent to file their reply on the Amended Petitions.

Perused the Order dated 12-05-2016 wherein Respondent/non-applicant's Ld. Advocate is directed to produce the Minutes Book for the meeting held on 26-08-2008 in original.

Today those documents were not produced by the respondent. Hence respondent is/are directed to produce the original Minutes Book for the meeting dated 26-08-2008 which is essential for final hearing of the Company Petition.

Fix 29-09-2016 for hearing on CP.

MANORAMA KUMARI
MEMBER(J)