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Court-I

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NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

81. 7
C.P. No. 426/2010

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

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 26th August, 2016, 10.30
A.M

Name of the Company	Supriya Das & Anr -Versus- Sova Tea Company Pvt. Ltd. & Ors		
Under Section	397/398		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. MR. P. K. RAY
ADVOCATE
2. MR. D. CHAKRABORTY
ADVOCATE
3. MR. SOMIR DASKAR
ADVOCATE
4. MR. D P SAHA
ADVOCATE

SOVA TEA CO. (P) LTD.
Respondent

[Signature]

5. MR. JISHNU CHOWDHURY
ADVOCATE
6. MR. SATADEEP BHATTACHARYA
ADVOCATE
7. MR. S. R. KAKRANIA
ADVOCATE
8. MR. SANJEEB SENI
ADVOCATE
9. MR. SOUVIK KUNDU
ADVOCATE

For
Petitioner

Sanjeeb Seni
Advocate

dt: 26-08-16

ORDER

The Ld. Lawyer on behalf of the petitioners as well as on behalf of the respondent No. 2 are present.

On 24-08-2016, the photo copy of certain documents as asked from the respondent were furnished to the petitioner^{is Ld. Lawyer} for verification and/or to take instruction from his client with regard to the signature of deceased, Sujit Kumar Das appearing on the documents viz.:

- I) Minutes of the meeting of the Board of Directors dated 27-03-1990;
- II) Minutes of the meeting of the Board of Directors dated 01-04-1990;
- III) Minutes of the meeting of the Board of Directors dated 31-05-1990;
- IV) Minutes of the meeting of the Board of Directors dated 31-08-1990;

The petitioner^{Ld. Lawyer,} on verification from his client, admits that the respective signatures appearing in all the above documents pertain to the deceased Sujit Kumar Das.

The Ld. Lawyer of the petitioner further submitted that no documents post May, 2002 submitted so as to send the same to the Forensic Department for getting the expert opinion on the signature of Late Sujit Kumar Das along with Ms. Amrita Das.

The Ld. Lawyer of the respondents submitted that he had only one document pertaining to post May, 2002 i.e. the Minutes of the meeting dated 28-10-2002 which contain the signature of Late Sujit Kumar Das.

The petitioner No. 3, Ms. Amrita Das is present in the Court who admits her signature appearing in the minutes of the meeting dated 28-10-2002 but she has denied to admit the signature of Late Sujit Kumar Das, appearing in the said minutes to be the signature of her deceased father.

On the other hand, the respondents have failed to produce any document containing the signature of Late Sujit Kumar Das, showing inter alia that the shares of the Company have been increased with the consent of the deceased Sujit Kumar Das.

The Ld. Lawyers appearing on behalf of the respondents have submitted and prayed to send the original documents i.e. the Minutes of the meetings of the Board of Directors held on 28-10-2002 to Forensic Laboratory to get the expert opinion with regard to the signature of Late Sujit Kumar Das by comparing the same with other admitted signatures of Late Sujit Kumar Das which are filed in the Court by the respondent. Heard, prayer is allowed.

Court Officer is directed to make questionnaire with regard to the documents filed in the Court by respondent's side; viz

- i) Admitted signature of the person with that of the disputed one ;
- ii) Age of the documents executed on 6-7-2003 i.e. the Minutes of the 72nd meeting of the Board of Directors of Sova Tea Company Pvt. Ltd. held at its Head Office at Govindapur ;
- iii) Age of the writing;
- iv) Age of the signature etc. etc.

The respondents are directed to deposit tentative cost of a sum of Rs. 1000/- (Rupees one thousand only) towards special messenger cost for sending and bringing all the desired documents to the Forensic Department, Kolkata.

Keep the original Minute Book in the safe custody of the Registry filed today.

Fix 28-09-2016 for report from the Forensic Department.



MANORAMA KUMARI
MEMBER(J)