

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

C.A.No. 453/2016

In

C.P.No. 42 of 2016

**CORAM:**

**Shri V.P.Singh**  
**Hon'ble Member(J)**  
**S. Vijayaraghavan**  
**Hon'ble Member(T)**

In the matter of the Companies Act, 1956 : Sections 235, 397,398, 399, 402, 406,  
and 407

*In the matter of : Yogendra Pal Jain & Anr. ....Petitioners*

*Versus*

*M/s. South Eastern Carriers Private Limited & Ors. ....Respondents*

Parties on Record:

Mr. Jishnu Choudhury, Advocate	]	
Mr. Ajay Gaggar, Advocate	]	For the Petitioners
MR. Amlan Guha, Advocate	]	

Mr. D. N. Sharma, Advocate	]	
Mr. T. Khaitan, Advocate	]	For Respondent No. 1 Company

Mr. Ranjan Deb, Sr. Advocate	]	
Mr. Ratnanko Banerjee, Sr. Advocate	]	
Mr. Satadeep Bhattacharya, Advocate	]	For Respondent Nos. 5 & 6
Mr. S.R. Kakrania, Advocate	]	
Mr. Sanjeeb Seni, Advocate	]	
Mr. Souvik Kundu, Advocate	]	

**ORDER**

(Date of hearing : 18/08/2016)

In the instant Company Application being C.A.No. 453/2016 filed by the  
petitioner no.1, Mr. Yogendra Pal Jain for upholding the ad interim order passed by  
the Company Law Board dated 3<sup>rd</sup> May, 2016 in C.P.No.42 of 2016.

The main contentions of the applicant-petitioner No.1 are that the Respondent Nos. 2 to 7 have adopted various methods e.g., not providing the petitioner no.1 and respondent no. 9 Access Swipe Cards, though such Cards have been provided to personnel of the Company, thus preventing them from entering the head office of the Company and discharging their duties as Managing Director and Director of the Company. This is in violation of the order passed by the Company Law Board.

Further respondent nos. 2 to 7 are refusing to disburse salaries and other perks including incentives to applicant – petitioner and respondent no. 9 though the other Directors are receiving the same in time.

On perusal of the records it is found that there were specific directions of the Company Law Board for maintaining the status quo as to the shareholding and Extra Ordinary General Meeting in terms of Section 100(1) of the Companies Act 2013 and the directorship.

The petitioner and respondent no. 9 have submitted that they are unable to carry on the functions and duties as the Managing Director and Director due to the fact that they have not been permitted to enter the Head Office of the Company, despite the orders of the CLB.

In continuation of the ad interim order dated 3<sup>rd</sup> May 2016 of the CLB following clarifications are issued.

- (1) As Access Swipe Card have been issued for other personnel of the Company similar cards may be issued for enabling the petitioner no.1 and respondent no. 9 to enter the office for discharging their duties.

(2) Similarly, official e-mail i.ds. of the petitioner no. 1 and respondent no. 9 may be activated for the official use of the petitioner no. 1 and respondent no. 9.

(3) It was stated that no salary has been paid to the petitioner no. 1 as well as to respondent no. 9. If the other directors of the Company are getting salary as Directors of the Company, similar payments may be made to petitioner no. 1 and respondent no. 9 as per the laid down terms of the Company.

Sd —

Vijai Pratap Singh  
Member(J)

Sd —

S. Vijayaraghavan  
Member(T)

Place : KOLKATA

Dated, the 18<sup>th</sup> day of August, 2016