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NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No. 226/(MAH)/2017
M.A No. 203/2017

CORAM:

Present:

SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 29.09.2017

NAME OF THE PARTIES: Dr. Sushil Shah & Ors.

V/s.

Centre for Digestive & Kidney Diseases (India) Pvt.
Ltd. & anr.

SECTION OF THE COMPANIES ACT: 241, 242, 246 of the Companies Act,
2013.

S. No.	NAME	DESIGNATION	SIGNATURE
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1	Adv. Hitesh Mutha		
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2	Adv Dimple Majithia		
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	1/b Agrud Partners		
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Dms

Advocates for the Petitioners.

ORDER

MA No.203/2017 in CP No.226/ 241-242,246NCLT/MB/MAH/2017

As to the issue of disqualification of Directors in pursuance of Section 164(2) of Companies Act, 2013 for there being a communication from MCA to the Respondents herein saying that one Prashant Rao, Amit and Shushil Shah are disqualified to continue as Directors u/s.164(2) of the Companies Act, 2013 on account of non-filing of Balance Sheets and Annual Returns for their Companies for the last three consecutive years, this Bench cannot restrain the Company from complying with the order passed by MCA u/s.164 of the Companies Act, 2013. On this, the Petitioner Counsel has stated though these Petitioners were shareholders having less than 3% of the shareholding in the company, these Petitioners filed a Waiver Petition to take it as an exceptional situation to refrain this Bench to restrain the company from enforcing the order passed by Ministry of Corporate Affairs.

contd... Pg 2/-

: 2 :

MA No.203/2017 in
CP No.226/ 241-242,246NCLT/MB/MAH/2017

List this matter on 14.11.2017 find out as to the order passed by MCA is hereby vacated.

In view of the direction given above, the order dated 27.6.2017 directing the company not to pass any resolution in respect to removal of P1 as Director of the company is hereby vacated.

List this matter for hearing on 14.11.2017.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)