

NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P NO. 24(ND)/2016
CA NO.

CORAM:

PRESENT: CHIEF JUSTICE M. M. KUMAR
Hon'ble President

SH. S. K. MOHAPATRA
Hon'ble Member (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF PRINCIPAL BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 26.07.2016

NAME OF THE COMPANY: Vikrant Puri
V/s.

M/s. Southend Infrastrucute Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397/398 of the Companies Act 1956 and 241/242 of the
Companies Act 2013.

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1.	RAMESH SINGH	ADV.	PETITIONER.	
2.	AT PATRA	"	"	
3.	GAUTAM KHAITAN	"	"	
4.	NIPUN MALHOTRA	"	"	
5.	RUCHIKA DARIRA	"	"	<i>Ruchika Darira</i>
6.	HARLEEN Kaur	Adv	Resp 6 to 11	<i>Hkaur</i>
7.	KRISHNENDU DATTA	} Adv	RESPONDENTS 1-5 ORDER	<i>Sanjana Saddy</i>
8.	SANJANA SADDY			

This is an application with the prayer for permission that the Petitioner may be allowed to represent Respondent No. 1 company in various proceedings initiated by the applicant including the proceedings pending in the SLP No. 32376/2015 before Hon'ble Supreme Court.

Notice of the application was issued and respondents have put in appearance on behalf of Respondents No. 1 to 11.

We have heard learned counsel for the parties.

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Having heard the learned counsel, we are of the considered view that the prayer made in the application is wholly misconceived. The applicant petitioner has 37% of share holding. He joined the company in the year 2014 and has also been a Director. Moreover, Respondent No. 1 company is represented right from the initial stage by the counsel. The order dated 23/2/2016 passed by the erstwhile Company Law Board shows that the learned counsel for the respondents had made a statement on 23.02.16, when this petition was mentioned, that status quo regarding petitioner shareholding and his status as director would be maintained. The aforesaid order is continuing. Learned counsel for the respondent further states that the interest of the company has always been taken care of and there is no warrant or cause for the petitioner to seek substitution by the petitioner-applicant to represent respondent No. 1 company. We are also of the opinion that there is nothing on record to accept that interests of the Respondent No. 1 company in this petitioner are not being defended by rest of 63% share holders. Moreover the whole nature of adversarial litigation would be inverted.

We are further of the view that the prayer for representing Respondent No. 1 company before any other forum or representing it in the Supreme Court is also beyond the scope of present proceedings. No such prayer can be entertained and the same is liable to be rejected.

For the reasons aforesaid, this application fails and the same is dismissed with a cost of Rs. 10,000/-.


(CHIEF JUSTICE M.M.KUMAR)
CHAIRMAN


(S.K.MOHAPATRA)
HON'BLE MEMBER

Dated: 26th July, 2016
(A.K.ARORA)