

**NATIONAL COMPANY LAW TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

**C.P NO. 04(ND)/2015  
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 11.07.2016**

**NAME OF THE COMPANY: Mr. Praveen Shankaralyan**

**Vs.**

**M/s. Elan Professional Appliances Pvt. Ltd. & Ors.**

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

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
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**ORDER**

On the last date of hearing petitioner had appeared in person and got the matter adjourned on the ground that his counsel could not reach the court on account of traffic congestion. The matter has been called out twice today and no one has put in appearance in support of the petition even the counsel for the respondent is not present.

It is appropriate to mention that when the matter came up for mentioning on 29.3.2016 the following order was passed:-

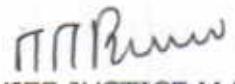
"The cause of action in the present case appears to have arisen on 02.11.2010 when the petitioner was removed as Director. It is pleaded that the petitioner came to know about the aforesaid fact on 15.02.2011. The petitioner also *prima facie* does not satisfy the criteria for maintaining the petition u/s 399 of the Companies Act, 1956. Admittedly he has 1.91% shareholding in the Respondent No.1 Company. The petitioner however claims that he satisfies the other criteria as he is one of the 7 members of the company.

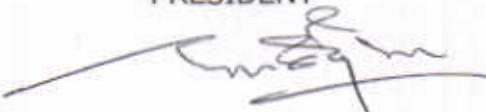
The respondent has disputed the aforesaid claim made by the petitioner. According to the Respondent there is huge unexplained delay of more than 5 years in filing the petition and the total number of members of the company as on 04.05.2015 is 13. The strength continues to be the same even today.

Faced with the aforesaid, the Id. counsel for the petitioner prays for a date to find the answers to the aforesaid formidable questions.

List for further consideration on 04.04.2016 at 10.30 am."

A perusal of the order shows that the petitioner was removed as director on 02.11.2010 and the instant petition has been filed belatedly. Even otherwise the petitioner was not able to satisfy the criteria for maintaining the petition as envisaged u/s 399 of the Companies Act, 1956. On the assurance that the petitioner shall furnish the details and answer the aforesaid doubts, the court has granted time. However till date no satisfactory explanation has been tendered. It is thus presumed that there is no plausible explanation. In view of the aforesaid we are unable to persuade ourselves that the petition is maintainable and therefore it is dismissed.

  
(CHIEF JUSTICE M.M. KUMAR)  
PRESIDENT

  
(S.K. MOHAPATRA)  
MEMBER (T)

Dated: 11/07/2016  
(Vidya)