

NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P NO. 37(ND)/2015
CA NO.

CORAM:

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

Shri.R.VARDHARAJAN
Hon'ble Member (J)

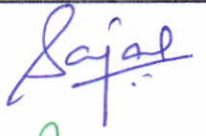
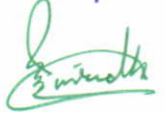

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF PRINCIPAL BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 22.09.2016

NAME OF THE COMPANY: Rupak Gupta & Anr.

Vs.

M/s. U.P Hotels Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397/398

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MS. MISHA, Adv] PETITIONERS	
2.	MS. SANJANA SHARMA, Adv			
3.	Mr. ANIRUDH ARUNKUMAR, Adv.		Respondents 4(a)-4(g)	
4.	Mr. ROHIT KUMAR YADAV Adv		Respondents 2(c) (Apurva K.R.)	
5.	MR. ANKIT. SIBBAL Adv			

Order

This is an application (CA 109/PB/2016) with a prayer for condoning the shortfall in notice period of 21 days for holding the AGM of Respondent No. 1 company for the year 2013-14.

2. It has been represented that personal notices were issued on 12-9-2016 and public notice was published in the newspapers Financial Express and Jansatta on 13-9-2016. The aforesaid steps of statutory compliances have been taken in pursuant to the directions passed by this Court on 10-8-2016 when the company petition came up for hearing. There were specific orders passed later that the meeting shall be held under the chairmanship of Hon'ble Mr. Justice B.P. Singh (former Judge of the Supreme Court).


P.T.O.

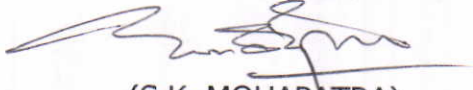
3. Advance notice of the application was served and on behalf of R4A to R4F learned counsel has put in appearance. Learned counsel for R4A to R4F has not raised any objection for condoning the shortfall of 05 days in issuance of notice.

4. Having heard the learned counsel for the parties, we are of the view that in order to adhere to the statutory compliances for the affairs of the company, the shortfall in serving the notice for convening of the AGM which is less than 21 days, deserves to be condoned in the interest of justice and to sub serve the interest of the company. R1 company has not been holding AGM for the last three years which may result in disastrous situation and prove damaging for the company.

5. Accordingly, the shortfall in issuance of notice is condoned and the meeting be held as scheduled.

The application stands disposed of.


(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT


(S.K. MOHAPATRA)
MEMBER (T)

22.9.2016
(P.K. Sud)