

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 217/2018
(F.No.25/06/2018/ NCLAT/UR/531)

In the matter of:

M/s Elegant Industries Pvt. Appellant/ Petitioner

Versus

Mr. Shishir B. Nevatia Respondent

And

Elegant Industries Pvt. Ltd. & Anr. Appellants/ Petitioners

Versus

Shri Shishir B. Nevatia & Ors. Respondents

Appearance: Shri Aditya Hooda, Advocate for the Petitioners.

09.07.2018

The aforesaid Appeal under Section 421 of the Companies Act, 2013 (hereinafter referred to as the Act) is against the orders dated 31.01.2018 in MA 583/2017 in TCP No.24/284(4)/2010 & MA 584/2017 in TCP 43/397-398/CLB/2011 of the Hon'ble NCLT, Mumbai Bench.

2. After filing of the Appeal, the Office scrutinised the Memo of Appeal as required under Rule 22 of the National Company Law Appellate Tribunal Rules, 2016 (hereinafter referred to as the Rules) and pointed out the defects. The Petitioner as per the report of the Office cured all the defects except defect No.5, which relates to filing of the Board Resolution. In this regard, an application has been filed on behalf of the Petitioner stating therein that erstwhile Company Law Board, Mumbai Bench has passed a restraint order dated 12.05.2011 prohibiting any meeting of the Board of Directors and that is the reason, the Petitioner appearing on the strength of

Power of Attorney dated 21.11.2008 executed by Smt. Sunita Dileep Nevatia, Director of the Company in favour of Shri Dileep Balkrishna Nevatia.

3. Heard learned Lawyer appearing for the petitioner, perused the Office report and the averments made in the petition. Learned Lawyer for the petitioner submitted that as regard to defect No.5 pointed out by the Office is concerned, he has already filed an application stating therein that in view of the order passed in Company Petition No.43/397-398/CLB/MB/2011, the Board was restrained to hold a meeting and that is the reason, the Petitioner is not in a position to file the Board Resolution and instead of that the Petitioner filed the photocopy of the Power of Attorney, by which the Petitioner was authorised by the Director of the Board. Learned Lawyer appearing for the Petitioner submitted that he undertakes to file the original within seven days.

4. On the request of the learned Lawyer of the Petitioner put up on 16.07.2018 before the Hon'ble Appellate Tribunal, even if, original is not filed within that period.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar