

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) No. 15 of 2019**

**IN THE MATTER OF:**

**Trafalgar Investment (Mauritius) Ltd. & Anr.**

**...Appellants**

**Vs**

**Eden Reality Ventures Pvt. Ltd. & Ors.**

**....Respondents**

**Present:**

**For Appellants: Mr. Rakesh Tiku, Sr. Advocate with Mr. Naveen Goel, Mr. Rishi Bhatnagar and Mr. Mohan Kumar Khullar, Advocates.**

**For Respondents: Mr. Arun Kathpalia, Sr. Advocate with Mr. Anish Dayal, Mr. S. K. Singh, Mr. Jaideep Maheshwari and Mr. Rupam Sharma, Advocates.**

**ORDER**

**29.01.2019:** Respondent – ‘Eden Reality Ventures Pvt. Ltd.’ filed an application under Section 241-242 of the Companies Act, 2013 (Old Section 235, 397, 398, 399, 402, etc.) alleging oppression and mismanagement against the Appellant. While given time for appearance and to file reply affidavit, the National Company Law Tribunal, Kolkata Bench, Kolkata passed interim order, which reads as follows:-

*“However, being satisfied that an arguable case is set up by the applicant. I am inclined to pass an interim order directing the applicant to convene meeting in accordance with the provisions of Article of Association read with the provisions of Companies Act, 2013 complying all the requirements by giving prior notice of meeting to the Respondent, investors. It is made*

*clear that the decision, if any, taken by the board members is subject to the result of final decision in the application.*

*In the meanwhile, Petitioner is also directed to repeat notice to the remaining Respondents and file affidavit of service.*

*List it for further consideration on 15.01.2019.”*

2. Learned senior counsel appearing on behalf of the Appellant submits that let the meeting be held but it should be held in the presence of some officer appointed by the court. However, such submission cannot be accepted. In fact, we find that a frivolous appeal has been preferred by the Appellant; no case made out by the Appellant. The appeal is accordingly dismissed. No cost.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

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