

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 242 of 2020

IN THE MATTER OF:

Abhishek Jain

...Appellant

Vs.

Puerto Life Science Pvt. Ltd. & Ors.

...Respondents

Present:-

For Appellants: Mr. Virender Ganda, Sr. Advocate along with Mr. Vishal Ganda, Mr. Anand Singh Senger and Mr. Ayandeb Mitra, Advocates.

For Respondents: Mr. Saurabh Kalia, Mr. Divendra Singh & Mr. Mohit Chaurasia, Advocates.

**ORDER
(Virtual Mode)**

20.01.2021: Learned Counsel for the Respondents submits that Reply Affidavit is filed through e-filing, however, he is directed to file the same in physical form also.

Learned Senior Counsel for the Appellant submits that the Respondents have not filed the Reply Affidavit within time frame. Therefore, further time may be granted to file Rejoinder. He further submits that the Annual General Meeting (AGM) which is scheduled on 23rd January, 2021 be deferred. Otherwise, resolutions passed by the AGM will affect the rights of the Appellant. As per the circular of MCA the AGM may be held before 31st March, 2021. There are only four shareholders in the Company, therefore, fresh notice for AGM can be served easily and due to postponed of the meeting dated 23rd January, 2021 there will be no adverse effect to the Company.

Learned Counsel for the Respondents vehemently opposed the prayer and submitted that the AGM scheduled on 23rd January, 2021 is only for approval of Financial Statements and confirmation of appointment of Director. Therefore, the AGM may not be postponed.

After due consideration, we direct that the AGM, which is scheduled on 23rd January, 2021 be deferred till further orders.

The Appellant is directed to file Rejoinder within a week.

Let the matter be fixed 'For Hearing' on 01st February, 2021.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Balvinder Singh]
Member (Technical)

SC/Kam

Company Appeal (AT) No. 242 of 2020