

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 92 of 2020

IN THE MATTER OF:

QVC Exports Pvt. Ltd. & Ors.

...Appellants

Versus

Cosmic Ferro Alloys Ltd. & Ors.

...Respondents

Present:

For Appellants: Mr. Jishnu Chaudhary, Mr. Vikrant Pachnanda and Ms. Namrata Basu, Advocates.

**For Respondents: Mr. Abhrajit Mitra, Advocate for R-1, 3, 4, 5, 6, & 7.
Mr. Joy Saha, Sr. Advocate for R-2.
Mr. Naresh Baloda, Advocate for R-9.
Mr. Divakar Kumar, Advocates.**

ORDER
(Through Virtual Mode)

13.07.2020: The issue raised in this appeal is that a Nominee Director of one of the two partners in a Quasi-Partnership Company/ Closely Held Company could not be removed without any reason, moreso when the partners are duty bound to implement the approved Resolution Plan.

Learned counsel for the Appellant submits that during the lockdown/ suspension of work due to outbreak of COVID-19 pandemic, Appellant had approached the Hon'ble Calcutta High Court, which passed interim directions, which have been sent to Registrar of this Appellant Tribunal through email. Since the relevant material is not before us, we provide an opportunity to the Appellant to file copies of the relevant orders passed by Hon'ble Calcutta High Court in regard to interim directions, within three days.

Let notice be issued on Respondents. Shri Abhrajit Mitra, Sr. Advocate appears on behalf of Respondent Nos. 1, 3, 4, 5, 6, & 7. Mr. Joy Saha, Sr. Advocate appears on behalf of Respondent No. 2. Mr. Naresh Baloda, Advocate appears on behalf of Respondent No.9.

Let notice be issued upon Respondent No. 8. Appellant to provide mobile Nos./*e-mail* address of the Respondent No. 8. Notice be issued through *e-mail* or any other available mode. Requisites along with process fee be filed within two days.

List the appeal 'for admission (after notice)' on **20th July, 2020**.

Meanwhile status quo is directed to be maintained in respect to shareholding and constitution of the Board of the Appellant Company.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc