

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 72 of 2019

IN THE MATTER OF:

Kuldeep Singh

...Appellant

Versus

Saini Cold Retreaders Pvt. Ltd. & Ors.

...Respondents

Present :

For Appellant :

**Mr. Atul Kumar, Mr. Arun Gaur and Mr. Ishaan
Dewan, Advocates**

ORDER

18.03.2019 The appellant filed an application under Section 241 and 242 of the Companies Act, 2013 alleging the acts of 'oppression and mismanagement' to the Annual General Meeting proposed to be held on 30th September, 2009 and the appellant alleged that he had not received any notice of the meeting. It is further alleged that after the period of 9 years when the Annual Return or necessary Form was filed by the Company in the same year with the portal of Ministry of Corporate Affairs, the matter was notified.

2. The National Company Law Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as the 'Tribunal') taking in to consideration that the acts alleged relates to the year 2009 and that the application filed under Section 241 and 242 of the Companies Act was barred by Limitation Act.

3. Learned counsel for the appellant submits that there is a continuous cause of action. However, there is nothing on record to suggest that act of oppression and the meeting held on 30th September, 2009 has not been given

effect or any action by the company or any of the decision was taken at the AGM held on 30th September, 2009 which was under challenge in the petition under Section 241 and 242 in the year 2018 i.e. after 9 years. We hold that the application is barred by limitation and the Tribunal has rightly dismissed the appeal.

In the facts and circumstances, the appeal is dismissed. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

/ns/gc/