

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

NEW DELHI

RESTORATION APPLICATION NO.14 OF 2019

IN

COMPANY APPEAL(AT) NO.75 OF 2019

IN THE MATTER OF:

Old Lane India Cyprus Fund II Ltd

Applicant

Vs

Rudradev Infopark Pvt Ltd & Ors

Respondents

AND

CONTEMPT CASE NO. 18 OF 2019

IN

COMPANY APPEAL(AT) NO.75 OF 2019

IN THE MATTER OF:

Old Lane India Cyprus Fund II Ltd

Applicant

Vs

Rudradev Infopark Pvt Ltd & Ors

Respondents

For Appellant:- Mr. Abhijeet Sinha, Mr. Samir Malik and Ms Nikita Choukse, Advocates.

For Respondents: - Mr. Raghenth Basant and Mr. Mithun Verghis, Advocates.

O R D E R

11.09.2019 - The list of dates and events in the form of compilation filed by the learned counsel for the appellant is taken on record.

2. After hearing learned counsel for the parties for a while we find that apart from other grounds raised the notice dated 21.5.2019 issued by Shri R. Ravi, Director (who figures as Respondent No.2 in the original appeal) notifying the date of proposed Meeting on 8th June, 2019 is contrary to the statute in as much as the same does not comply with the mandate of Section 101 of Companies Act, 2013 providing the notice period of not less than 21 days' and the same cannot be supported. This is an irregularity which goes to the root of the matter rendering the conduct of meeting, resolutions passed and all actions taken nonest. In view of this position we may have to set aside the notice and all consequential acts ensuing in pursuance thereof which may necessitate revival/

restoration of appeal. At this juncture Mr. Abhijeet Sinha, Advocate wants to seek instructions.

3. List the appeal on **27th September, 2019.**

(Justice Bansi Lal Bhat)
Member (Judicial)

(Mr. Balvinder Singh)
Member (Technical)

BM/NN