

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

**Company Appeal (AT) No. 64 of 2020**

**In the matter of:**

**Deepak Kishan Chhabria & Anr.**

**....Appellants**

**Vs.**

**Orbit Electricals Pvt. Ltd. & Ors.**

**....Respondents**

**Present**

**For Appellants: Mr. Virender Ganda & Mr. Maninder Singh, Sr. Advocates along with Mr. Vishal Ganda, Mr. Amar Dave, Mr. Rohit Gupta, Mr. Amit Jajoo, Mr. Mohit Chadha, Mr. Kshitij Parashar, Mr. Bhargav Kosuru, Mr. Anand Singh Sengar, Mr. Saransh Kothari, Mr. Prabhas Bajaj & Ms. Prapti Kedia.**

**For Respondents: Mr. Sudipto Sarkar & Mr. Janak Dwarkadas, Sr. Advocates along with Mr. Shikhil Suri, Mr. Shiv Kumar Suri, Mr. Kunal Mehta & Ms. Shilpa Saini, For R-1.**

**Mr. Gopal Mukherjee, Sr. Advocate along with Mr. Ashish Kamat, Mr. Mahesh Agarwal, Mr. Himanshu Satija, Mr. Nishant Rao, For R-2.**

**ORDER**  
**(Virtual Mode)**

**08.02.2021:** Heard Learned Senior Counsel for the Appellant on I.A. No. 211 of 2021. He submits that the Respondents have issued Notice for Extraordinary General Meeting scheduled on 9<sup>th</sup> February, 2021. As per the Agenda the Respondents proposed to delete Article 38, 40 & 46 from the Article of the Association of the Company. The Extraordinary General Meeting may be deferred till the decision of this Appeal otherwise Appellants have to suffer irreparable loss.

Learned Senior Counsels for the Respondents are opposing the prayer. They submit that the Appellant has sufficient time to approach the National Company Law Tribunal where the main Company Petition is still pending. The relief claimed in this application is beyond the scope of the Appeal because in the Appeal the Impugned Order dated 31<sup>st</sup> December, 2019 is challenged, wherein Tribunal has approved the amendments made in Articles 59 & 60 of Article of Association of the Company.

We are of the view that the relief sought in the Application I.A. No. 211 of 2021 is beyond the scope of this Appeal. Therefore, the Application is disposed off. However, the Applicant/ Appellant may approach the National Company Law Tribunal where the main petition is pending.

Respondent Counsels are directed to file the 'Reply' of the Appeal within two weeks. Rejoinder, if any, may be filed one week, thereafter.

Let the matter be fixed on **3<sup>rd</sup> March, 2021**.

**[Justice Jarat Kumar Jain]**  
**Member (Judicial)**

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

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