

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V
(Division Bench)

Item No.-501
CP-172/241-242/PB/2023
CA/54/2024

IN THE MATTER OF:

Sh. Rakesh Jain & Anr.

.....Applicant

Vs.

Jain Flexipack Private Limited & Ors. {6}

.....Respondent

SECTION

U/s 241-242

Order delivered on 10.07.2024

CORAM:

**SHRI MAHENDRA KHANDELWAL,
HON'BLE MEMBER (JUDICIAL)**

**Dr. SANJEEV RANJAN,
HON'BLE MEMBER (TECHNICAL)**

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Applicant : Mr. Bharat Arora, Adv.

For the Respondent : Mr. Rishi Sood, Mr. Ashutosh Gupta, Mr. Gaurav
Rana, Mr. Ajitesh Kumar, Advs. for R-2 to R-7

ORDER

CA/54/2024:-

This is an application filed by the Petitioner of main petition (filed under Section 241-242 of the Companies Act), seeking certain directions to the Respondents. Heard the submissions made by the Ld. Counsel on behalf of the Applicant and Ld. Counsel on behalf of the Respondent. As far as Prayer No. (i) i.e. "allow the present Application and issue direction to the Respondents to appear before the office of Assistant Labour Commissioner, Circle-2, Sonipat" we are of the view that it is not appropriate for this Tribunal to pass an order directing Respondents to appear before another Authority. Therefore, this prayer is not allowed. Prayer No. (ii) is for seeking directions to the

Respondents, “for producing Books of Accounts, Bank Statements, Bank Accounts, Sales, Purchases, Expenses etc. of the Respondent No.1 Company for inspection”. Ld. Counsel on behalf of the Applicant submitted that the Petitioner is a Director as well as Shareholder, is having statutory rights for inspection of documents in terms of the provisions contained in the Companies Act, 2013. Ld. Counsel on behalf of the Respondent submitted that some of the documents are not in their possession and it is in the possession of the Petitioner himself. However, since the company is also a party in the present petition, the persons responsible for the affairs of the company are directed to allow the Petitioner for inspection of the documents for which he is entitled in term of the provisions of the Companies Act, 2013 and Rules made there under. If the Petitioner makes a proper request in terms of the provisions of the Companies Act, 2013 and the Rules made there under, the Respondent Company as well as the persons responsible for keeping those documents are directed to allow the Petitioner to carry out the inspection in terms of the provisions contained in the Companies Act, 2013 and Rules made there under. Ld. Counsel on behalf of the Petitioner also submitted that they have no books of accounts. With these observations, the present application i.e. CA/54/2024 is **disposed of**.

CP-172/241-242/PB/2023:-

Since pleadings are complete. List the matter for argument on **11.09.2024**.

Sd/-
(Dr. SANJEEV RANJAN)
MEMBER (T)

Sd/-
(MAHENDRA KHANDELWAL)
MEMBER (J)