

DIVISION BENCH

ITEM NO.102

NATIONAL COMPANY LAW TRIBUNAL

ALLAHABAD BENCH

PRAYAGRAJ

CA NO.12/2023 IN CP No.07/ALD/2023

CORAM:

**1. SHRI PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**

**2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 2nd May, 2024

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	MS. SWARNLATA GUPTA V/S M/S DIVYANAND SPRITUAL FOUNDATION & ORS.
UNDER SECTION	241/242 OF COMPANIES ACT, 2013

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Sh. Shahid Kazmi, Adv. : *For the Petitioner in main CP &*
with Ms. Bharti Kashyap, PCS. : *Applicant in CA No.12/2023*

Sh. Ambrish Singh Yadav with : *For the Respondent*
Sh. Utkarsh Malviya, Advs.

Sh. Krishna Dev Vyas, Adv. : *For the Res./RoC*

ORDER

Ld. Counsels representing the respective parties are present.

1. This petition has been filed under Section 241/242 for alleged operation and mismanagement against the respondent company and other respondents. In this company petition, there is a CA No.12/2023 filed under Section 244 seeking waiver in terms of the eligibility required under Section 241/242 on the alleged ground that the petitioner had possessed the requisite shareholding, however, the same was evaporated/nullified without their being any plausible reason.
2. It is stated by the Ld. Counsel representing the respondents that the reply to the CA No.12/2023 has been filed. However, there is no such reply available in

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the DMS as pointed by the Registry. However, the advance copy of the said reply in CA No.12/2023 has been supplied to the Ld. Counsel representing the petitioner.

3. Ld. Counsel representing the non-applicant respondents take steps to ensure that the reply filed by the respondent is taken on record after removing the defects, if any.
4. Without adverting anything on the merit in the present CA No.12/2023 for want of reply from the respondents to be taken on record, we deem it appropriate at this point of time to issue notice in the main petition as well as there are rival contentions being raised by both the parties. The issuance of the notice in the main petition is necessitated in order to adjudicate the issue which would also be revolving around the controversy raised in CA No.12/2023 with respect to the waiver of the eligibility.
5. Let the reply be filed by the respondents within a period of three weeks with an advance copy supplied to the counsel opposite. Rejoinder, if any be filed within a period of two weeks.
6. Let the matter be adjourned for further hearing on 13th June, 2024.

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(Ashish Verma)
Member (Technical)

2nd May, 2024

Bipul Kumar Tiwari
(Stenographer)

-Sd-
(Praveen Gupta)
Member (Judicial)