

IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH (Court-I)
KOLKATA

C.P. No. 135/KB/2024

In the matter of:

Nikhil Jalan, (holding 30.16% Equity Shares) son of **Sri Pradeep Kumar Jalan**, residing at P-175, C.I.T Road Scheme-VI (M), Kankurgachi, Kolkata West Bengal-700054, being a member/shareholder of **SHREENIVASA AGRO & POULTRY FARM PRIVATE LIMITED** (holding 76,000 equity shares).

...Petitioner

Versus

- 1. Shreenivasa Agro & Poultry Farm Private Limited**, a company incorporated under the Companies Act, 1956, having CIN: U01403WB2012PTC188434, and having its registered office at Singhanian Niketan P-195, Ram Krishna Samadhi Road, Kolkata, West Bengal, India, 700054.
- 2. Registrar of Companies, West Bengal, Ministry of Corporate Affairs** having its registered office at Nizam Palace, 2nd MSO Building, 234/4 Acharya Jagdish Chandra Bose Road, Kolkata, West Bengal -700020.

...Respondent

Coram:

Smt. Bidisha Banerjee: Member (Judicial)

Shri Balraj Joshi : Member (Technical)

Appearances (through hybrid conferencing):

For the Petitioner:

Ms. Arti Vyas, PCS

For the Respondent:

Ms. Smita Sharma, PCS

Clarification Order

1. This petition has been filed by the petitioner i.e., Nikhil Jain is one of the shareholder of the company, seeking direction upon Respondent No. 1 company to hold the AGM for the Financial Year ended on 31.03.2022 i.e., the Financial Year 2021-2022.
2. However, in the convenience notes submitted by the petitioner, it has been stated that the AGM has already been held for the Financial Year ended on 31.03.2023 i.e., for the Financial Year 2022-2023. This has been also verified from the Master Data from the MCA. Since the AGM for the Financial Year 2022-2023 has already been held, by default it means that the Balance sheet of 2021-22 also would have been ready and being a part of the Balance sheet for 2022-23, as required under the Accounting Standards and thus might have been adopted by the shareholders by default.
3. In view of the above a clarification is needed as to how the AGM for 2022-23 has been held without finalizing the accounts of the previous year i.e. FY ending 31-03-2022.
4. The subject clarification be filed by way of a supplementary affidavit by the petitioner within a period of 15 days, with a copy to RoC, WB for its report in the matter.
5. Post this matter on 02.08.2024

Balraj Joshi
Member (Technical)

Bidisha Banerjee
Member (Judicial)

Order signed on 03.07.2024