

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.229
CP/5(AHM)2022

Proceedings under Section 241(1) & 242(4) of Co. Act, 2013

IN THE MATTER OF:

Siddharth Bhandari & Ors

.....Applicant

V/s

Electrotherm (India) Ltd & Ors

.....Respondent

Order delivered on: 27/06/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)

Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant

: Mr. Dhawal Vyas, Sr. Adv.

For the Respondent

: Mr. Ravi pahwa, adv For R-1

Mr. Jaimin Dave, Adv. for R-2 and R-3

ORDER
(Hybrid Mode)

A fresh Vakalatnama has been filed on behalf of the applicants by the counsel Mr. Rushank D Mehta and Mr. Pranjal Bhuch, Adv along with Xerox copy of the power of attorney given by Mr. Rakesh Bhandari one of the applicants in favour of Mr. Siddharth Bhandari dated 18.06.2024 vide inward diary no. 4848 on 24.06.2024. The same is taken on record. Further rejoinder to the reply of Respondent No. 1 has also been filed vide inward diary no. 5034 on 26.06.2024.

A copy of the order dated 26.06.2024 passed by the Hon'ble NCLAT in Comp. App. (AT) No. 184 of 2024, 4338,4329 and 4330 has been placed. In view of above rejoinder filed by the applicant is taken on record.

Today the applicant, Respondent No1 as well Respondent No 2 and Respondent No 3 has also filed that written submissions across the Bar. The convenience chart on behalf of the respondent Company has been filed.

Learned counsel for the Respondent No. 1 Company submits that the consent letters annexed with the petition which are from the page no. 91 to 295 which comes total

number of shareholder 205 are Xerox copies. Their signature appended on those consent letters seems to be bogus. Therefore, the respondent company needs time to verify the same. Some of the consent letter are signed and some of them are unsigned consent letter, one of the letter was pointed out before us and we have seen it is a blank unsigned consent letter.

Hence the counsel for the respondent company seeks indulgence and to get verified the signature appended on the consent letters whether those signature are of shareholders or not from the registrar and transfer agent along with the fact whether the persons stated in the consent letters are the shareholders of the respondent company on the date of institution of this petition i.e.15.02.2022.

Learned counsel for the Respondent. 1 company seeks and granted two weeks' time to do the needful. Further the learned counsel for the applicant seeks three weeks' time to produce the original consent letters as referred above before the Tribunal.

Let the same be filed by way of additional affidavit by both the sides.

Re-list on 18.07.2024

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**SAMEER KAKAR
MEMBER (TECHNICAL)**

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**SHAMMI KHAN
MEMBER (JUDICIAL)**