

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

ITEM No.211
Co.Appeal 299 of 2019

Proceedings under Section 59 of Co. Act, 2013

IN THE MATTER OF:

Raj Kishan Saxena

.....Applicant

V/s

Cadila Healthcare Ltd & Ors

.....Respondent

Order delivered on: 11/07/2024

Coram:

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

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

PRESENT:

For the Applicant

:Mr. Vaibhav Verma, Adv.

For the Respondent

:Mr. Manoj Hurkut, PCS for R-1 and 2

: Mr. Malay Pandit, PCA for R-4

ORDER
(Hybrid Mode)

In compliance of last order dated 09.05.2024, the applicant has not produced original share certificates which are on the last date of hearing submitted to have in his possession.

In compliance of last order dated 09.05.2024 Respondent No. 1 has filed an affidavit on 05.07.2024 vide inward diary no. D5298.

The respondent No. 1 has also filed another affidavit on 11.07.2024 vide inward diary no. 5529 along with some more additional documents with respect to the process followed by the company for approving the dematerialisation and issuance of duplicate certificate as well as specimen signature of the appellant which is at page no 32 annexure R22.

Learned PCS for R-1 states that the documents which was brought before this Tribunal in this case are already forming part of the reply of R-1 viz indemnity affidavit, agreement with the registrar and transfer agent, hence, there is no need to file any additional affidavit in this case.

Learned counsel for the applicant seeks and granted one more opportunity of two weeks to produce the original share certificates of German Remedies.

All the sides are directed to make the specific observations on the following judgements:-

- (i) **(Gireesh Kumar Sanghi V/s Snaghi Industries Ltd. & Ors.) in (Company Appeal (AT)(CH) No. 95/2023 IA Nos. 1195,1196 & 1197/2023 with Company Appeal (AT)(CH) No. 96/2023 In IA Nos. 1201,1202,&1203/2023)**
- (ii) **(M/S Ammonia Supplies Corporation Pvt. Ltd. V/s M/S Modern Plastic Containers Pvt. Ltd. & Ors.)**
- (iii) **(Sham Sunder Kukreja V/s Hindustan Lever Ltd.) (2003 115COMPCAS913(CLB))**

And also upon the SEBI guidelines circulated dated May 25, 2022 **(SEBI/HO/MIRSD/MIRSD_RTAMB/P/CIR/2022/70)** and make submissions on the same in the next date of hearing.

Re-list for remaining submission in the matter and for physical hearing on 22.08.2024

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**SAMEER KAKAR
MEMBER (TECHNICAL)**

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**SHAMMI KHAN
MEMBER (JUDICIAL)**