

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT- I) CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **09.05.2024** THROUGH VIDEO CONFERENCING

PRESENT: HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

APPLICATION NUMBER :
PETITION NUMBER : CP/113(CHE)/2022
NAME OF THE PETITIONER(S) : Lieutenant Colonel Sandeep Dewan
NAME OF THE RESPONDENTS : Ootacamund Clud and others
UNDER SECTION : Sec 244(1) of CA, 2013

ORDER

Present: Lieutenant Colonel Sandeep Dewan, Petitioner in person.

Ld. Counsel Shri. Suhrith Parthasarathy for the Respondent.

Vide separate order announced in Open Court, the application under Section 244 (1) of the Companies Act, 2013 is dismissed. Consequently, the petition under Section 241-242 is dismissed.

File be consigned to records.

Sd/-

(VENKATARAMAN SUBRAMANIAM)
MEMBER (TECHNICAL)

MG

Sd/-

(SANJIV JAIN)
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

CP/113(CHE)2022

(Under Section 244(1) of the Companies Act, 2013)

*In the matter of **Ootacamund Club***

Lieutenant Colonel Sandeep Dewan (Retd.)

Clouds End Cottage,
Door No. 3/106C1 DFL Estate,
Near Lawrence School, Kundah Road,
Lovedale, Ootacamund,
The Nilgiris

...Petitioner

Versus

1. **Ootacamund Club**
Represented by its President,
No. 179, Club Road, Ootacamund,
The Nilgiris, Tamil Nadu
2. **Mr. MM Venkatachalam,**
10, ValliammaiAchi Road,
Kotturpuram,
Chennai-600 085
3. **Mr. M.N. Bopana,**
Craigmore Plantation (I) Pvt. Ltd.,
Kullakamby, Coonoor-643 218
The Nilgiris, Tamil Nadu
4. **Mr. T. Jayaraman,**
Havukal Estate,
Kotagiri-643 217
The Nilgiris, Tamil Nadu
5. **Mr. S. Narayanan,**
'Sivakrupa', No.24-1, 24-2,
Kamarajar Road,
Coimbatore-641 018, Tamil Nadu

6. **Mr.Navzer R. Mehta,**
186-B, Snowdon Road,
Behind Ladies Club,
Ootacamund-643 001
The Nilgiris, Tamil Nadu
7. **Mr.Gurmeet Singh Randhawa,**
35, Meg Officers Colony,
Banaswadi Road,
Bangalore, Karnataka-560 033
8. **Mr. K. Ashok,**
28, Elk Hill Estate,
Kotagiri Road, Bandishola,
Coonoor-643 104
The Nilgiris, Tamil Nadu
9. **Mr. E.B. Sethna,**
'Kievcode', Club Road,
Coonoor-643 101
The Nilgiris, Tamil Nadu
10. **Mr. V.B. Dey,**
Kuppamudi Estate,
Kolagapara Post-673 591
Wayanad District, Kerala
11. **Mr. E. Ray Kurian,**
'Beaulien', Hatherly Road,
Coonoor-643 101
The Nilgiris, Tamil Nadu
12. **Dr. M.R. Srinivasan,**
'Sunningdale', Kotagiri Road,
Ootacamund-643 002
The Nilgiris, Tamil Nadu
13. **Mr. Anil Dharmapalan,**
Un'acre, Post Box No.6,
Lovedale-643 003
The Nilgiris, Tamil Nadu

14. Mr.Preetham Mathews Philip,
No. 36, Peytons Road, Firgrove Cottage
Ootacamund-643 001
The Nilgiris, Tamil Nadu

...Respondents

Order pronounced on **9th May 2024**

CORAM :

SANJIV JAIN, MEMBER (JUDICIAL)
VENKATARAMAN SUBRAMANIAN, MEMBER (TECHNICAL)

For Petitioner: Shri. Lieutenant Colonel Sandeep Dewan, Petitioner in person.

*For Respondents: Shri. P.H. ArvindhPandian, Senior Advocate
Shri. Shailendran, Counsel for R1
Shri. SuhrithParthasarathy&Ms.AshwiniVaidialingam,
Counsel for R2-R14*

ORDER

(Hearing conducted through Physical Hearing)

The Petitioner, Lieutenant Colonel Sandeep Dewan has filed the petition under Section 241-242 of the Companies Act, 2013 seeking the following reliefs:

- i. An order declaring that the Respondent Nos. 2-14 (members of the Committee), having perpetrated acts of oppression against the Petitioner and having breached the fiduciary duty owed to Respondent No.1 (Club), are not fit and proper persons to hold any form of control of Respondent No.1 (Club) as members of the Managing Committee;*

- ii. *An appropriate order under Section 241 and 242 of the Companies Act, 2013 to bring an end to the acts of oppression against the Petitioner, and mismanagement of the affairs of the Club, perpetrated by Respondent Nos.2-14 (members of the Committee);*
- iii. *An order permanently restraining the Respondent No.1 (Club) and its agents, servants, men, or any persons claiming through or under it, including without limitation the Committee, and Respondent No. 2-14 from oppressing the Petitioner in any manner;*
- iv. *An order setting aside the elections to the Committee held during the 132nd AGM on 30.09.2021 and consequently, removing the Respondent Nos.2-14 as members of the Managing Committee of the Respondent No.1 Club;*
- v. *An order setting aside all acts of oppression, prejudice and mismanagement perpetrated by the Respondents against the Petitioner and against the interests of the Club;*
- vi. *An order of appropriate penalty against Respondent Nos.2-14 under the Act, including without limitation, under Section 450 thereof;*
- vii. *Appropriate directions for the conduct of fresh elections for the members of the Managing Committee in accordance with law and under the supervision of an Administrator appointed for the purpose of ensuring compliance therewith;*
- viii. *An order as to costs in favour of the Petitioner;*

ix. Such further ameliorative/remedial reliefs or orders as this Hon'ble Tribunal deems fit and proper.

2. The facts giving rise to this petition are that Petitioner is the resident of Lovedale, Ootacamund, The Nilgiris. He is a veteran officer of Indian Army after serving the army for nearly 25 years. He is also a sportsman who represented the country in equestrian sports at National and International level. Respondent No. 1 is a Club having its Registered Office at Club Road, Ootacamund, The Nilgiris. It was incorporated in 1888 and is a company defined under section 8 of the Companies Act, 2013. It is limited by guarantee and governed by its Memorandum of Association (MOA) and Articles of Association (AOA) and Byelaws. The business and affairs of the club are governed by Managing Committee comprising of President and 12 members elected annually at the Annual General Meeting (AGM). The function of the club is to provide through its members social recreation etc. Respondent No. 2 is the President. Respondent No. 3 is the Vice-President. Respondent No. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 are the members of the Committee of the Club.

3. It is stated that the Petitioner is the permanent member of the Club since 17.10.2016 vide Membership No. D35. He had been actively participating in the affairs of the Club and contributing to its welfare. It is alleged that on 02.06.2022, he was unlawfully suspended from the club for a period of one year but since he remained as the member of the club, he is qualified to maintain the petition.

4. It is alleged that the Petitioner is gravely aggrieved by the acts of mismanagement and oppression met it out to him by the Committee. The series of acts and pattern of illegal conduct, include but are not limited to:

- a. Appointment of proxies and voting in the elections in violation of Section 105 of the Act;
- b. Failure to maintain the statutory register of members in accordance with Section 88 of the Act read with Rule 3 of the Companies (Management and Administration) Rules, 2014 ('Management and Administration Rules');
- c. Denial of access to the statutory register of members in violation of Section 94(2) of the Act;
- d. Conduct of affairs of Respondent No.1 in violation of environmental laws, established accounting practices and contrary to norms of corporate governance, such as conflicts of interest in awarding contracts as well as inaccurate recording of the minutes of the Annual General Meeting (AGM);
- e. Threats and oppressive actions to silence members who question the Committee on legitimate issues such as the violation of environmental laws, accounting and financial malpractices, and conflicts of interest in awarding contracts.

5. It is alleged that elections to the committee of the club took place during the 132nd AGM held on 30.09.2021 but the said elections were

completely tainted since conducted in violation of Section 105 of the Act which provides that the club members may appoint proxies for voting only if the AoA allows and a person appointed as proxy may so act only on behalf of a maximum of 50 members. The club being section 8 company was required to comply with Rule 19 of the Management and Administration Rules which also limit number of persons, a proxy can act on behalf of to a maximum of 50 members. The principal reason for these restrictions is to ensure that a selected group of persons do not act as proxies for a majority of members of a company, which would impair the democratic process of the company's elections and general meetings making them a mere formality.

6. It is alleged that at the 132nd AGM of the club, certain persons were illegally appointed to act as proxies representing more than 50 members each as detailed in Annexure-P5 at Para-27. When the Petitioner brought the aforesaid illegalities in the conduct of elections on 30.09.2021 to the committee's attention vide communication dated 30.09.2021 and sought declaration of election as void, the committee vide response dated 30.10.2021, one month after the AGM, justified the improper conduct of the election on the ground that the club was not mandated to follow the standards prescribed in view of the proviso to Section 105(1) of the Act. The letters dated 10.11.2021 and 03.12.2021 were exchanged where the club imputed malafides to the Petitioner. It also refused to allow the petitioner along with another member to scrutinize the proxy register, the day before the AGM i.e. on

29.09.2021. Since the proxy register maintained by the club was voluminous, the Petitioner and the other member sought scrutiny which was denied by the committee and they were only allowed a glimpse of the register. He referred to the communications issued by another member Mr. N. Ram and himself dated 15.12.2021 and 29.12.2021 where they had brought to the club's attention various concerns such as illegal appointment of proxies, failure to provide a copy of Register of Members in a timely manner and the committee's refusal to allow for scrutiny of register by the Petitioner. It is stated that the elections of the committee and appointment of the President of the Committee being in contravention of Section 105(1) and Rule 19 are *void ab initio* which also attract penalty in the nature of fines under Section 450 of the Act.

7. It is stated that vide mail dated 05.09.2021, the Petitioner had sent his nomination to the committee seeking to contest in the election for the post of the committee member to be held on 30.09.2021. The nomination was filed in time and in accordance with the byelaws. For the purpose of enabling him to canvass his candidature to the members of the Club who are about 900 in numbers and most of them were non-residents of Nilgiris, he vide his letter dated 05.09.2021 to the Secretary, sought the names, addresses and e-mail IDs of all the members of the Club as contained in the Register of the Members, however, despite multiple reminders dated 07.09.2021, 11.09.2021 and 13.09.2021, he did not get any response. On 13.09.2021, the Secretary sent a response denying him access to the information sought as

according to the committee, it would be in violation of the outcome of the decision taken in 2020 AGM as it would amount to breach of privacy. It is alleged that the Petitioner in 2020 AGM had requested the club to prepare/ print a member's directory to allow the members to directly interact with each other as such directories existed in almost all the clubs but the committee vehemently opposed which clearly points to their malafides. It is stated that the committee response dated 13.09.2021 was contrary to the law to deny to the Petitioner the copies of the register. It is stated that the Petitioner sent another letter dated 19.09.2021 detailing the mandate of law with respect to the members being granted access to the Register of Members and only thereafter the committee provided the access to the Register of Members on 21.09.2021 and copies thereof on 23.09.2021 i.e. merely one week before the date of election. It is alleged that the register made available to him consisted of 890 pages, contents of which were incomplete as mandated by Rule 3 and Form MGT-1. It is alleged that because of this, the Petitioner was placed at a disadvantageous position qua his candidature in the elections, he could not introduce himself to the members and got himself introduced only through the notice on the Club Notice Board which used to be viewed by a miniscule section of members. It is alleged that the Respondent's acts deprived him of an opportunity to contest the election in a fair and free manner and this constitutes an act of grave mismanagement. It is alleged that the committee acted in a manner highly oppressive towards him resulting severe prejudice.

8. It is alleged that Article 28 of AoA requires the club to post a list of nominees seeking to contest the election on the Notice Board at least one week prior to the election but in the instant case, names of the nominees were not posted on the Notice Board in a consolidated manner and the consolidated list was posted on the Notice Board less than 24 hours before the elections. On 23.09.2021, there were only two notices posted: one pertaining to the Petitioner's nomination by Shri. N. Ram and other by Mr.Junaid wherein Mr.Junaid had proposed the full committee and President comprising of 13 names which is a violation of Article 28 as each name can be proposed by a member entitled to be present at the club meeting and not the 13 names proposed by a member. It is alleged that on 26.09.2021, one of the proposed committee member viz., Kaiwan Patel passed away. As per the nominations posted on the Club's Notice Board till 23.09.2021, Mr. Patel's demise should have resulted in the Petitioner's automatic unopposed election but within barely an hour of death of Mr. Patel, his obituary was put up on the Board (which is normally put up a week after the death of a member) along with three fresh names proposed for election to the committee. It is stated that three fresh names were proposed vide letter dated 20.09.2021 by their proposers and were received by the Club on that date, however, they were put on the Notice Board only on 26.09.2021, the day Mr. Patel died. This indicates that the death of Mr. Patel was used as an excuse to open the Notice Board which is in violation of AoA as the Secretary did not have any authority to withhold the nominations for six days. It is alleged that

delayed display of said letters on the Notice Board was attempted in preventing the Petitioner's unopposed election to the committee.

9. It is alleged that the Managing Committee/Respondents in violation of the environmental laws were cutting down/severely pollarding 20-30 hundred-year old trees for the sake of commercial exploitation. To this effect, he sent a letter dated 02.08.2017 but it all went in vain. It is further alleged that the committee engaged in accounting malpractices such as suspicious invoices for allegedly new furniture amounting to approximately Rs.35 Lakhs or more over the years and there were conflict of interests in awarding contracts as well as in the appointment of office bearers. The committee charged 5% purportedly as Staff Benevolent Fund on all purchases / services in the club without accounting for in the statement of accounts, it raised funds without accountability to offset claim losses suffered by the Club during the pandemic. When the matter was brought up at 2020 AGM, the President brushed it aside and sought to take recourse to the MoA by claiming that the demand was within the purview of Article 37(a) of MoA though it does not confer upon the committee the power to demand a one-time subscription. It is alleged that the committee intentionally recorded inaccurate and/or incomplete minutes of AGM in order to conceal any written record of objections raised on accounting, financial and other malpractices and it took threats and oppressive actions to silence the members who questioned the

committee on legitimate issues. It is stated that Mr. H.S. Mehta was similarly targeted and subjected to harassment and oppression.

10. It is alleged that these issues were brought to the notice of the President of the Committee during the AGM but the Petitioner and his colleagues were constantly heckled by the Respondents. Mr. Hariram Shastri, Mr. N. Ram and he (Petitioner) had sent multiple communications dated 03.11.2021, 10.11.2021, 29.12.2021, 01.01.2022, 14.01.2022, 19.01.2022, 05.02.2022, 11.03.2022 and 24.04.2022 but the committee undertook no steps to conduct an inquiry which is in violation of Clause-23 of the byelaws.

11. It is alleged that as an act of vendetta, the Petitioner was targeted for the disciplinary action based on the false charges and show cause notice dated 26.04.2022 invoking Article 23 was issued to him without any adequate evidence or proof accusing him of acting in an unnecessarily hostile and confrontational manner, aggressive and rude manner, interfering with the day-to-day operation and management of the Club to disturb the harmony of the club, threatening to take legal action and harassment of Mr. Philip, the erstwhile President of the club for using the title 'Captain' vide complaints dated 20.08.2021 and 12.09.2021, 25.08.2021 and 20.09.2021. It is alleged that the Petitioner was asked to respond to the same by 04.05.2022. It is stated that he gave an immediate reply on 27.04.2022 requesting the copies of all the evidence but the President vide reply dated 28.04.2022, refused to

provide anything further. The committee also denied any extension till 15.06.2022 and the personal hearing was only granted on 11.05.2022.

12. It is stated that on 09.05.2022, the Petitioner unfortunately met with an accident and was admitted to the Military Hospital with head injuries and vision impairment and sought extension of time vide letter dated 10.05.2022 but the committee refused to extend the time beyond 31.05.2022. This made the Petitioner file his reply on 31.05.2022. He was also constrained to file O.S. No. 52/2022 before the District Munsif Court along with an interim application for ad interim injunction restraining the Club and its agents from taking any action based on the show cause notice dated 26.04.2022. Though the matter was seized of by the court, his suspension order dated 02.06.2022 was issued by the Committee suspending him with immediate effect for a period of 12 months. It is stated that the entire process leading to his suspension is in complete violation of natural justice since no fair opportunity was granted and there was non-application of mind. It is alleged that the suspension is clearly motivated and it amounts to oppression and mismanagement for his raising concerns about the shortcomings in the administration of the club.

13. It is stated that the Petitioner instituted another suit in the Court of District Judge being O.S. No.65/2022 challenging his suspension order dated 02.06.2022 and prayed for stay where the Club gave an undertaking that it would not initiate further proceedings based on the

suspension order. On 04.07.2022, he filed a Revision Petition No. CRP 2120 of 2022 before the Hon'ble High Court impugning the order dated 02.08.2022 in O.S. No.65/2022 by which the District Judge refused to grant him stay but the Hon'ble High Court disposed of the Revision Petition giving liberty to the Petitioner to seek early hearing before the District Judge. It is stated that the Petitioner also filed a complaint on 23.05.2022 before the Registrar of Companies bringing to the notice the mismanagement of the club by the committee and for investigation which is pending enquiry. It is stated that the suspension order has put him into tremendous hardship, mental agony and caused great harm to his reputation.

14. With the petition, the Petitioner has filed an application under Section 244(1) of the Companies Act, 2013 read with Rules 11, 14 and 83A of NCLT Rules, 2016 seeking waiver.

15. It is stated that Respondent No.1 is a Company limited by guarantee. Since the Petitioner does not constitute 1/5th of the membership of the Club, he seeks waiver of the threshold maintainability requirement stipulated in Section 244(1)(b) of the Act so as to enable him to apply under Section 241 thereof for the reliefs prayed in the petition which is against a consistent pattern of oppression and mismanagement being perpetuated by the Respondents. It is stated that though the Petitioner is a member of the club since 17.10.2016 but he was unlawfully suspended from the club

for the period of one year which suspension also forms part of oppression and mismanagement by the Respondents.

16. It is stated that Respondent No.1 is a Social Club having about 900 members who are located in different parts of the country. Only 10% are located at Nilgiris where the Club is situated. Without a waiver, 180 distinct/separate individuals located all across the country will have to come together to prosecute a petition under Section 241 of the Act. Accordingly, non-waiver of 1/5th requirement mandated under Section 244 of the Act effectively and practically prevents any petition from being filed against the club under Section 241 of the Act. It is stated that the Petitioner has demonstrated that there is a material and imminent threat that he could be permanently expelled from membership. It is stated that AoA of Respondent No.1 requires only 14 days notice to hold an Extra-Ordinary General Meeting in this regard and such expulsion requires a quorum of only 20 members which includes 13 members i.e. Respondent No. 2 to 14. It is stated that before he can garner 1/5th support for such an application, the Respondents can irreversibly prejudice him by expelling him and this circumstance is an exceptional factor supporting his application for waiver. It is stated that cause of action/ pattern of oppression and mismanagement relates to the actions of the Respondents in threatening and silencing any person who speaks against the majority, in the form of issuing show cause notice/suspension of membership. It is stated that Petitioner's interest would be irretrievably compromised

and he would be left remediless against the oppression and prejudices meted out to him if such a waiver is not granted.

17. On getting of the petition and the application, **the Respondents filed their reply** denying the allegations levelled in the petition and the application. It is stated that the Petitioner is seeking to maintain a petition under Section 241 as a single member of Respondent No. 1 and has accordingly preferred an application under Section 241(1)(b) seeking waiver. It is alleged that the grounds on which the waiver has been sought are entirely frivolous and meritless. The Petitioner has not attempted to seek support of any of the other members of Respondent No.1 though the e-mail IDs, and addresses of all the members were made available to the Petitioner. Now a days, e-mail is the main mode of communication. The Petitioner could reach out to the other members to garner support for the petition by emails if he wanted to. He nevertheless not even bothered to address a single mail or make a single phone call to any other member since he was well aware that having rendered himself obnoxious to the entire club and to its member, he will not receive any support whatsoever from any member. It is stated that in the last election, the Petitioner came last having received only 35 votes. The distribution of votes is as under:

S. No.	CANDIDATE	VOTES RECEIVED
1.	Mr. Anil Dharmapalan	452
2.	Mr. M.N. Bopana	457
3.	Mr. V.B. Dey	450
4.	Mr.Gurmeet Singh Randhawa	423

5.	Mr. T. Jayaraman	454
6.	Mr. S. Narayanan	449
7.	Mr.NavzerRustom Mehta	450
8.	Capt. Preetham Mathews Philip	454
9.	Mr. E. Ray Kurien	454
10.	Mr. E.B. Sethna	447
11.	Dr. M.R. Srinivasan	470
12.	Mr. Theo Devagnanam	136
13.	Mr. T.A. Devagnanam (withdrew before the election)	2
14.	Lt. Col. Sandeep Dewan (Retd.)	35
15.	Mr. K. Ashok	329

18. It is stated that the Respondent No.1 has already given an undertaking in O.S. No. 65 of 2022 that it will not initiate any further proceedings against the Petitioner pursuant to the suspension order dated 02.06.2022 pending disposal of interlocutory applications. Thus, there is no material/imminent threat of his expulsion. The Respondents denied that the proxies were obtained in violation of law. It is stated that all actions were taken in accordance with law including Section 105(1) of the Companies Act, 2013. The Respondents also denied that they threatened/silenced persons from speaking out against the majority and instilled a sense of fear by issuing show cause notices/suspension orders etc. It is stated that the Petitioner has not produced proof of even one such incident. In the last 150 years of the Club's history, no such grievance has ever been raised. In fact, it is only the Petitioner who is a troublemaking and disruptive member to whom show cause notice and suspension order were issued. It is

stated that large number of members of Respondent No. 1 are eminent and well respected members of the society including from the defence services. It is stated that the Hon'ble NCLAT has laid down various factors required to be noticed for grant of waiver in *Cyrus Investments Pvt. Ltd. V. Tata Sons Ltd., 2017 SCC Online NCLAT 261* which the Petitioner has failed to satisfy.

19. It is stated that the Petitioner has been suspended from the membership of the club and in terms of Clause 23 of byelaws, Petitioner and his family are not permitted to use the facilities of the Club and are required to surrender their membership cards to the Club. He, in view of his suspension, cannot otherwise exercise the rights available to a member under the law. His status of membership is subjudice in the case O.S. No.65 of 2022 and O.S. No.68 of 2022. It is alleged that even on a prima facie basis, the Petitioner has not made out a case of oppression and mismanagement.

20. It is stated that the restrictions imposed in Section 105 of the Companies Act and Rule 19 of the Companies (Management and Administration) Rules, 2014 do not apply to Respondent No.1 which is a company limited by guarantee and not shares. Respondent No. 1 is governed by the Articles of Association regarding proxy voting. It is stated that election of Respondent No. 1 was conducted in accordance with law and its Articles of Association. Even if proxy votes alleged to have been improperly used be not counted in the last election, the

committee of Respondent No.1 would still have succeeded and the Petitioner would have come last. It is stated that vide email dated 05.09.2021, the Petitioner had not demanded access to the Register of Members. He wanted the Respondent No.1 to provide the names, addresses and email IDs of the members via email to him. It is stated that in terms of Rule 14, the Petitioner ought to have made a request for inspection of the Register and thereafter sought a copy of the same. It is stated that it was a collective decision taken by the members of Respondent No.1 that they do not want their members' directory created, so no such directory was created, so nothing could be shared with the Petitioner. On 20.09.2021, the Respondents informed the Petitioner of Rule 14 and invited him to inspect the Register from 10 A.M. to 12 Noon which the Petitioner inspected. It is stated that on the Petitioner's request for a copy on 21.09.2022 and payment of fees on 22.09.2022, a copy was furnished to him on 23.09.2022 and as such, there is no violation of Section 94(2) or Rule 3(2). It is stated that the Registers of Respondent No.1 which were more than 130 years old were changed to meet the new requirements under Rule 3(2) and the Club is in the process of reaching out to all the members and updating the registers to include new details such as UIN/DIN/PAN which were introduced recently. It is not known why the Petitioner required UIN/DIN/PAN rather it leads to an inference that this objection has been raised only to harass Respondent No.1. It is stated that the details of the members provided to the Petitioner in the register included the name, email id, phone number and addresses of the members. Therefore, the Petitioner was provided complete access to the register.

21. As to the compliance to Clause 28 of AoA, it is stated that the names of the nominees were posted on the Notice Board on 23.09.2021 and kept thereon till 29.09.2021. Due to death of one of the nominees in that week, certain changes were made to the list and on 29.09.2021, final consolidated list of nominees was put up. The list was taken down after 12 Noon on the same day in accordance with Article 28 which is also recorded in the minutes of AGM which has not been challenged. It is stated that all actions were taken in spirit and letter of Article 28.

22. As to the conduct of affairs in violation of environmental laws, it is stated that the trees were cut within the premises of the club since they had posed a danger to the neighbouring property which had complained to the club which the Petitioner was well aware. Even otherwise, these issues cannot be the subject-matter of a petition under Section 241. It is alleged that it is part of Petitioner's modus operandi to raise vague and baseless allegations with a view to cause trouble in the club in which, he was part of.

23. As regards the allegations regarding Staff Benevolence Fund and one-time fee charged on members, it is stated that the Petitioner was well aware that due to pandemic, the Club was closed for a long time, significant revenue was lost, the staff also suffered hardship, hence the committee appealed to the members for one-time special subscription

fee and staff benevolence fund which was in accordance with Clause 37 of the Byelaws. It is stated that all the minutes of the AGM were prepared in accordance with law and circulated to the members and no other member raised any objection in any respect whatsoever.

24. It is stated that the Petitioner's allegations with regard to Mr. RVD Rozario and Mr. PD Ganapathy are false. It was the Petitioner who had made a false complaint against them. Neither Mr. N. Ram nor Mr. Hariram Sastri who were allegedly assaulted had lodged any complaint nor they had come in support of the Petitioner. The said complaints were closed being false and frivolous. It is stated that the suspension order was issued in accordance with law following the principles of natural justice. It is stated that Respondent No.1 has an unimpeachable reputation going back over 130 years and its members until now stay in harmony with each other. It is stated that the allegations made in the petition are identical to the allegations made in the letter to the Registrar of Companies which is pending adjudication and therefore this petition is entirely premature. The Petitioner also made the similar allegations in the plaints in both O.S. No. 65 of 2022 and O.S. No. 68 of 2022 which are prior to this petition. It is stated that the present petition is nothing but an abuse of process of the Tribunal. The Petitioner has suppressed the facts and has not come with clean hands. Under the guise of an oppression and mismanagement action, he is seeking to indirectly obtain what has been denied to him by the Munsif Court, District Court and Hon'ble High Court.

25. We have heard Ld. Counsels for the parties.

26. Ld. Counsel for the Petitioner reiterated what has been stated in the petition and the application. He contended that the Petitioner is a Veteran Lieutenant Colonel who has served the nation for nearly 25 years. His father was a Major General who was awarded the wheel Chakra for the gallantry during the Indo China war of 1962. He was also commended for his role of freeing the Golden Temple from terrorists during Operation Bluestar in 1984. Ld. Counsel contended that the Petitioner had periodically brought to the attention of the Managing Committee the opaque manner in which Club was functioning and highlighted some issues but no action was taken. Several members including Mr. N. Ram and Mr. Hariram Sastri had suggested that there must be a change in the Managing Committee as most of the members of the committee were holding the post for decades without any real elections being conducted. Therefore, Mr. N. Ram, a reputed long standing member and renowned journalist, nominated the Petitioner to stand for election for becoming a member of the Managing Committee. The Petitioner made a request to inspect the Register of Members on 04.09.2021 which was denied on irrelevant grounds and was finally granted access on 21.09.2021. The list of candidates was put up on the Notice Board on 23.09.2021. On that day, there were two proposal forms, one proposed by Mr. Junaid proposing 12 names for the members of the committee and one name for election of the President. second was Mr. N. Ram proposing the name of the Petitioner. One Mr. Kaiswan Patel, one of the 12 names proposed died

on 26.09.2021. The Petitioner should have been elected unopposed but the Respondents suddenly introduced fresh names on 26.09.2021 within an hour of his death, claiming to have received three nominations on 20.09.2021. When questioned by Mr. N. Ram and Mr. Hariram Sastri, the Secretary responded that he was instructed by the committee not to put up these names till he was ordered to do so which orders he received the moment Mr. Kaiswan Patel died. It was argued that three members of the Managing Committee misused their position and obtained proxies for use in the election which were close to 303, more than the permissible limit of 50 proxies as mandated in Section 105 of the Act. The election therefore was merely an eye wash and *void ab initio*. When they were discussing this violation with the new incumbent President Mr. MM Venkatachalam, Mr. Rozario and Mr. Ganapathy threatened them against which, they made the complaints, however, no action was taken rather Petitioner was issued a show cause notice and eventually suspended on 02.06.2022. They called an EGM and passed a resolution calling for his suspension though they had no power under the Companies Act to do so. It was contended that the conditions laid down in *Cyrus Mistry supra* must be liberally interpreted as held in the case of *Anil Agarwal vs. Omega Icehill P. Ltd. (2020) 223 Comp Cas 487* that the provisions relating to waiver must be liberally constructed.

27. Ld. Counsel for the Respondents per contra, argued on the lines of the reply filed on behalf of the Respondents. Ld. Counsel contended that the Petitioner is not entitled to seek waiver under section 244(1) in

terms of the decision of Hon'ble NCLAT in *Cyrus Investments Private Limited supra*. Ld. Counsel contended that Petitioner is seeking to maintain the application as a single member of Respondent No.1 claiming that it is practically not possible to contact the members living in different parts of the country but the record shows that he was having e-mail IDs, and addresses of the members and thus, he could reach out to the members to garner the support but he did not bother to address a single mail to any of the members since he was well aware that having rendered himself persona non grata to the entire Club, he will not receive any support. Ld. Counsel submitted that in the election, he came last having received only 35 votes. Ld. Counsel contended that false allegations have been made against the Respondents as to their threatening/silencing the persons instilling a sense of fear as not a single evidence/instance has been shown by the Petitioner. Ld. Counsel contended that it was only the Petitioner who was troublemaking against whom the Club was constrained to take action. Ld. Counsel contended that the ground taken by the Petitioner that there is material and imminent threat of expulsion, cannot be a reason for grant of waiver. Ld. Counsel contended that the acts alleged by the Petitioner are entirely false and unsubstantiated. Even on a prima facie base, the Petitioner has not made out a case of oppression and mismanagement. The restriction imposed in section 105 of the Companies Act, 2013 and Rule 19 do not apply to Respondent No. 1 which is a company limited by guarantee and not shares. Further, there is a specific provision in AOA of the Respondent

No.1 regarding proxy voting. Ld. Counsel contended that the elections were conducted in accordance with law and AOA.

28. Ld. Counsel contended that there is no violation of section 94(2) and Rule 3(2). He submitted that vide mail dated 05.09.2021, the Petitioner had not demanded access to the Register of Members rather he wanted the names, addresses and email IDs of the members which was contrary to Article 14. There was also a collective decision of the members of the Club not to create any members directory and as such no directory was created. Ld. Counsel contended that the Petitioner was given access to the records/register who made the inspection on 21.09.2021 and thereafter, on his request and payment of fee, the copy was furnished. Ld. Counsel contended that there was no violation of section 88 and Rule 3. The Registers were more than 130 years old which were changed to meet the new requirements. Further, it is unclear why the Petitioner wanted PAN/UIN/DIN of the members. Ld. Counsel contended that all these objections have been raised to harass the Respondents.

29. Ld. Counsel contended that the names of the nominees were posted on the Notice Board on 23.09.2021 and were kept thereon till 29.09.2021. Due to the death of one of the nominees, certain changes were made to the list and on 29.09.2021, final consolidated list was put. This fact was also recorded in the minutes of the AGM. Ld. Counsel contended that activities of the club were conducted in a fair and

transparent manner in accordance with the AOA and byelaws of the Club. It was the Petitioner and not Mr. N. Ram and Mr. Hariram Sastri who had made the complaints against two long standing members Mr. RVD Rozario and Mr. P.D. Ganapathy. After inquiry, these complaints were closed since found false and frivolous. Ld. Counsel contended that after his suspension, the Petitioner filed O.S. No. 65 of 2022 and O.S. No. 68 of 2022 before filing this Petition, where no relief was granted to the Petitioner. All these issues were raised in the said cases which have been agitated in the present petition. Ld. Counsel contended that the Petitioner has now been expelled as member from the Club and the present petition is not maintainable.

30. We have considered the arguments advanced by Ld. Counsels for the parties and perused the record.

31. Before advertng to the merits of the case, at the outset, it is noted that pursuant to the suspension order dated 02.06.2022 from the membership of the Club, the Petitioner was expelled from the membership of the Club with effect from 30.06.2023, vide Resolution passed at the Extra-Ordinary General Meeting of the Club held on 30.06.2023. In that meeting, 53 members were present in person and 268 were present by proxies. All the members present voted in favour of the resolution.

32. It is not in dispute that Respondent No. 1 is a Social Club having about 900 members who are located in different parts of the country. It

is a Company limited by guarantee. As per Section 244 of the Companies Act, the petition under section 241 of the Companies Act, 2013 can be maintained, in the case of a company not having a share capital by not less than 1/5th of the total number of its members. Proviso to Section 244 provides that the tribunal may, on an application waive all or any of the requirements specified above so as to enable the member(s) to apply under Section 241.

33. In the present case, the Petitioner as a single member has filed the petition alleging oppression and mismanagement under Section 241-242 of the Companies Act. It may be true that the 900 members of the Club are located in different parts of the country but as seen from the records, the Petitioner was having the email IDs and addresses of all the members of the Club much prior to filing the petition/waiver application. There is not a single document to indicate that the Petitioner before filing the petition, had tried to reach out to the other members to garner support for the petition by mail which nowadays is the most effective way of communication with any of the members. Even Mr. N. Ram and Mr. Hariram Sastry were not associated, the reason given by the Petitioner that there is material and imminent threat that he could be expelled from the permanent membership in view of the AOA of the Club, does not inspire confidence. The petition itself shows that on 18.05.2022, he had filed O.S. No.52/2022 before the Munsif Court along with Interim Application for ad interim injunction restraining the Club and its agent etc. from taking any further action based on the show cause notice. He had also written a letter to the

Registrar of Companies (RoC) on 23.05.2022 seeking to bring to its attention the mismanagement of the Club by the committee and for investigation by the RoC under Section 206 of the Act. He filed another suit in the Court of District Judge on 24.06.2022 being O.S. No. 65 of 2022 challenging his suspension order. In that suit, the Club/Respondent No.1 had given an undertaking that until disposal of interim applications, it will not take further steps on the suspension order. The Petitioner also filed a Civil Revision Petition being CRP 2120 of 2022 on 04.07.2022 before Hon'ble High Court against the order of 28.06.2022 in O.S. No.65 of 2022 by which the District Judge refused to grant ad interim stay. It was thereafter the Petitioner filed this petition on 09.08.2022 (under section 241-242) and application on 06.09.2022 (under section 244) of the Companies Act. This shows that the Petitioner had sufficient time to seek support of other members of the Club to meet the requirements of 1/5th members for filing the petition. Nothing of this sort was done by the Petitioner.

34. In the case of "*Cyrus Investments Pvt. Ltd. supra*, Hon'ble NCLAT laid down the following factors which are required to be noticed by the Tribunal before forming an opinion as to whether the application merit waiver of all or one inter alia as under:

151. *Normally, the following factors are required to be noticed by the Tribunal before forming its opinion as to whether the application merits 'waiver' of all or one or other requirements as specified in clauses (a) and (b) of sub-section (1) Section 244:-*

(i) *Whether the applicants are member(s) of the company in question? If the answer is in negative i.e. the applicant(s) are not member(s),*

the application is to be rejected outright. Otherwise, the Tribunal will look into the next factor.

(ii) Whether (proposed) application under Section 241 pertains to 'oppression and mismanagement'?. If the Tribunal on perusal of proposed application under Section 241 forms opinion that the application does not relate to 'oppression and mismanagement' of the company or its members and/or is frivolous, it will reject the application for 'waiver'. Otherwise, the Tribunal will proceed to notice the other factors.

(iii) Whether similar allegation of 'oppression and mismanagement' was earlier made by any other member and stand decided and concluded?

(iv) Whether there is an exceptional circumstances made out to grant 'waiver', so as to enable members to file application under Section 241 etc.?

152. *The aforesaid factors are not exhaustive. There may be other factors unrelated to the merit of the case which can be taken into consideration by the Tribunal for forming opinion as to whether application merits 'waiver'.*

35. As is seen from the AoA of the Club, it is a non-profit making company and was established for the sake of its members. The object seems to promote social intercourse amongst the members of the club and their friends. It was held by the Hon'ble Supreme Court in the case of "*Westfort Hi-Tech Hospital Pvt. Ltd. reported in (2008) 3 SCC 363*" that oppression would be made out where the conduct is harsh, burdensome and wrong and the action is against probity and good conduct.

36. The materials placed on record go to show that it is not a case of waiver to enable the Petitioner to apply under section 241 of Companies Act, 2013, which is mandatory under section 244 of the

Companies Act. The Petitioner had challenged his suspension order before the District Court but he did not get any injunction against his suspension. The Club thereafter passed a resolution on 30.06.2023 in an Extra-Ordinary General Meeting of the Club where 53 members were present in person and 268 were present by proxies and all the members present voted in favour of the resolution expelling the Petitioner from the membership of the Club with effect from 30.06.2023. The Article 18(f) of the AoA of the Club clearly provides that a Permanent Member shall cease to be a member of the club if he is expelled by the vote of a majority of not less than three fourth of the Permanent Members of the Club present at an Extraordinary General Meeting specially convened for that purpose, and at which not less than twenty Permanent Members shall be present in person.

37. In the case of *Cyrus Mistry*, none of the shareholders had a majority shareholding. Considering the circumstance that none of the members was eligible to file an application under section 241 individually having less than 10% of the shareholding taking the same as an exceptional and compelling circumstance, waiver was allowed. In the present case, the Petitioner has not set up any case of waiver. The case of *Anil Agarwal supra* would not help the Petitioner in any manner seeking waiver taking liberal approach.

38. As to the contention that Petitioner is no more the member of the Club and the Petition cannot be maintained by the Petitioner in view of the judgment in the case of *Cyrus Mistry supra*. It is true that the

Petitioner has been expelled from the membership of the Club and he is no more the member of the Club but when the Petitioner filed the petition, he was the member of the club and his membership was suspended for a period of 12 months with effect from 02.06.2022, suspension only amounts to temporary cessation of membership and not the permanent cessation of membership. Section 241 of the Companies Act talks about the member of the company who can maintain the petition. Since at the time the petition was filed, the Petitioner was the member of the club though under suspension but he could maintain the petition under section 241 of the companies Act but subject to the conditions to be fulfilled as provided under Section 244 of the Companies Act as to minimum threshold of members who can file the petition.

39. Even otherwise on the allegations of oppression and mismanagement, we are of the view that the Petitioner does not have any prima facie case.

40. It is the submission of the Respondent No.1 that in the last 150 years of the club history, no such grievance as raised by Petitioner was ever raised. The Petitioner had made allegations against two long-standing members, Mr. RVD Rozario and Mr. P.D. Ganapathy which after enquiry was closed since the allegations were found false/frivolous by the authorities. Neither Mr. N. Ram nor Mr. Hariram Sastri who were allegedly assaulted, lodged complaints nor they had come out in support of the Petitioner.

41. It is seen from the record that some of the members of the Club wanted fresh elections and in this regard, some communications were made by Mr. N. Ram and Mr. Hariram Sastry the Petitioner on 10.11.2021, 15.12.2021 and 29.12.2021, expressing their concerns such as illegal appointment of proxies, failure to provide a copy of Register of Members in a timely manner and refusal to allow for scrutiny of register by the Petitioner but as seen from the reply on record, the Respondent No.1 Club is governed by the AoA. Vide e-mail dated 05.09.2021, the Petitioner had not demanded access to the Register of Members. He wanted the Club to provide the names, address and email IDs of the members via email to him. Rule 14 provided that the Petitioner first has to make request for inspection of the Register and thereafter, seek a copy. It was a collective decision taken by the members of the Club that they did not want their members directory created and for this reason, no directory was created and nothing could be shared with the Petitioner. On 20.09.2021, the Respondent informed the Petitioner of Rule 14 and invited him to inspect the Register which the Petitioner inspected on 21.09.2021. On his request for a copy, on 21.09.2021, and on payment of fee on 22.09.2021, a copy was forwarded to him on 23.09.2021.

42. It is true that the Petitioner contested the election and for canvassing, he wanted the above details/access to the Register of Members and for this, he sent a nomination on 05.09.2021 but there is

nothing on record to indicate that he was not denied access or not provided the copy of the Register of Members.

43. Article 28 of AOA requires the Club to post a list of nominees contesting the election on the Notice Board at least one week prior to the election. The elections of the committee were to be held on 30.09.2021. The Petitioner has admitted that on 23.09.2021, two notices were posted, one pertaining to the Petitioner's nomination and other proposing the name of the full committee comprising of 13 members. There is no denial of the fact that one of the nominees Mr. Patel died on 26.09.2021 and thereafter consolidated list of nominees was prepared and it was displayed on 29.09.2021 one day before the date of election adding the names of two nominees. The Petitioner has alleged that fresh names were proposed on 20.09.2021 and were received on the same day but they were put on the Notice Board on 26.09.2021 the day Mr. Patel died. The Respondents have denied these facts. There is no document or record to substantiate these facts. According to the Respondents, all the actions were taken in letter and spirit of Article 28 which clearly provides that a list of the names shall be posted on the Club Notice Board not less than seven days before the AGM and any additions and amendments received by the Secretary, will be incorporated in it upto noon of the day before the meeting. In this case also, list was updated on 29.09.2021 and it was displayed in the noon before the meeting which was scheduled on 30.09.2021. The Secretary in the AGM held on 30.09.2021, answered to the query raised by Mr. Hariram Sastri why the email on 20th was put up only on the 26th

stating that all nominations were put up on the Notice Board between the 22nd and 29th and that the final consolidated list of nominees was put as per 29th September 2021 morning and the list was taken down after 12.00 P.M, the same day as per the rules of the Club. It is to note that elections for the members were held through voting and voters had knowledge who had filed their nominations including the Petitioner.

44. As regards the other acts of oppression and mismanagement as complained by the Petitioner, the Respondents have given explanation in their reply which made them take action to the above acts. It is seen that except the Petitioner, no other member complained of the above action taken by the Respondents. It has been explained that all the actions were taken in accordance with the AoA and Byelaws, the minutes of the AGM were prepared in accordance with law and circulated to the members and no other member raised any objection in any respect whatsoever.

45. It is pertinent to note that the Petitioner in the election could not succeed. He got only 45 votes. He has alleged that the elections were conducted in violation of section 105 of the Act which provides that the club members may appoint proxies for voting only if the AoA allows and a person appointed as proxy may so act only on behalf of a maximum of 50 members. The Respondents per contra have stated that section 105 of the Companies Act and Rule 19 do not apply to

Respondent No.1 which is a company limited by guarantee and not shares and the Respondent No.1 is governed by the AoA regarding proxy voting.

46. Section 105(1) of the Companies Act provides for Proxies. It reads as follows;

105. Proxies.— (1) Any member of a company entitled to attend and vote at a meeting of the company shall be entitled to appoint another person as a proxy to attend and vote at the meeting on his behalf:

Provided that a proxy shall not have the right to speak at such meeting and shall not be entitled to vote except on a poll:

Provided further that, unless the articles of a company otherwise provide, this subsection shall not apply in the case of a company not having a share capital:

In the present case, the company is not having a share capital. The company is limited by guarantee. The Respondent is governed by the AoA regarding proxy voting. Article 53 of AoA provides that any member who is eligible to vote may vote by proxy at a General meeting.....no person shall be appointed, a proxy who is not a member of the club, entitled to vote. The Article nowhere provides the maximum limit as provided in Section 105 of the Companies Act *inter alia*, that a person appointed as proxy shall act on behalf of such member or number of members exceeding fifty and such number of shares as may be prescribed. Since section 105(1) is not applicable to the company limited by guarantee so this proviso is also not applicable

in the present case in view of AoA of the Club/Respondent. For the sake of arguments, even if proxy votes, alleged to have been improperly used, be not counted in the election, the committee of Respondent No.1 would succeed and the Petitioner's position would be in the last.

47. As regards violation of section 94(2) and Rule 3(2), the Respondent had already acceded to the request of the Petitioner for a copy and furnished the copy of the Register of Members on 23.09.2021, a week before the scheduled election. Respondents have also explained that since the Registers were more than 130 years old, they were changed to meet the new requirements under Rule 3(2). Even otherwise, it is also not known why the Petitioner required UIN/DIN/PAN of the members of the Club when he already had the names, email IDs and address of the members.

48. It is pertinent to mention that Petitioner filed vide O.S.No.65/2022 in the District Court seeking declaration that his suspension order dated 02.06.2022 is null and void and for restraining the Club from taking any step for giving any effect to his suspension was disposed off by the District Court vide order dated 03.08.2023 referring to an order of refusal to grant interim relief by the court on 31.10.2022 against which the appeal was filed before the Hon'ble High Court in C.M.A. No.2518 of 2022 where the appeal was dismissed with the following order:

26. Further, the committee had observed broad fairness and acted accordance with the own rules and the plea of violation of principles of natural justice, on factual matrix as discussed in principles Nos.13, 14, 16 and 18, is rejected, since it is clear that the petitioner/plaintiff, being a member of the voluntary association, is bound by rules framed by such association and is also bound by the actions taken by those in whom power is vested under such rules.

27. Accordingly, the order dated 31.10.2022, passed by the learned District Judge, The Nilgiris, Udthagamandalam in I.A. No. 02 of 2022 in O.S. No.54 of 2022, is hereby confirmed and the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, the interim order granted in CMP No.19599 & 19603 of 2022, stands vacated.

28. Since the order of suspension is amount to expire in the month of June, 2023 the learned District Judge, The Nilgiris, Udthagamandalam, is hereby directed to list the case and dispose of the same, within a period of three months from the date of receipt of a copy of this judgment.

13.02.2023

After delivering the judgment, Lieutenant Colonel Sandeep Dewan (Veteran) / appellant, filed a memo to keep the judgment made in the Civil Miscellaneous Appeal, in abeyance, till filing an appeal in a court of relevant jurisdiction. He was also heard.

2. After going through the records and in view of the findings at Paragraph Nos. 18, 19 and 21, I am not inclined to hold so, in view of the issue involved in this appeal and the request made by the appellant viz., Lieutenant Colonel Sandeep Dewan (Veteran) stands negatived."

49. It was observed in the said order dated 03.08.2023 that three months ceased on 27.06.2023, the Plaintiff has filed number of applications, even issues were not framed and the issues were framed only on 20.06.2023. The Plaintiff / Petitioner has filed applications for

amending the original relief which was returned. Now the time stipulated has been ceased. He sought the extension of time from the High Court. However, the Plaintiff is not ready to conduct the case. The case is posted on 03.08.2023 but there is no representation of the Plaintiff. He has no other option except to dismiss the suit for default as the Plaintiff is not ready to get along the suit in spite of direction of Hon'ble High Court. The suit was accordingly dismissed for default with cost.

50. It is pertinent to mention that the District Court in the interim order dated 31.10.2022 in O.S. No.65 of 2022 after hearing the parties at length had held that the Club has procedurally followed the principles of natural justice before and while passing the suspension order against the Petitioner. The Court has no power to sit over the decision of the private club, therefore interim application is to be rejected. The documents disclose that the Petitioner is a man of making complaints then and there against the administration and also against the members of the Respondent Club. Without taking any decision about the enquiry report, this kind of petition filed by the Petitioner would show that he is just a litigation monger by harassing the Respondent Club one on the other way to heed his words to readmit him as a member of the Club. There is no prima facie case made out by the Petitioner and the Petitioner is not entitled to interim relief with regard to his suspension dated 02.06.2012.

51. The suit filed before the Munsif Court vide O.S. No. 68/2022 was also dismissed where it was prayed that the Respondent Club be restrained from taking any further action against the impugned show cause notice dated 26.04.2022 with the observation that it is a case of forum shopping by the Petitioner and he has not come with clean hands.

52. For the aforesaid discussions, we are of the view that prima facie no case of oppression and mismanagement is made out by the Petitioner against the Respondents. Even the Petitioner has not made out the case of waiver to enable him to apply under section 241 of IBC, 2016.

53. In the light of what has been stated above, we **dismiss** the Application filed under Section 244 of the Companies Act, 2013. Consequently we **dismiss** the petition filed under section 241-242 of the Companies Act, 2013 with no orders as to costs.

54. Files be consigned to records.

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

SANJIV JAIN
MEMBER (JUDICIAL)

Suguna