

**THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

Item 5

CP No. 58/Chd/Pb/2023

U/s 241 &242 of CA 2013

In the matter of:-

Anusandeeep Burmi

...Petitioner

Vs.

Cheema Medical Complex
Pvt. Ltd. & Ors.

...Respondent

Present: Mr. Anand Chibbar, Senior Advocate with Ms. Shreya B Sarin and Mr. Shikhar Sarin, Advocates for the Petitioner.
Mrs. Munisha Gandhi, Senior Advocate with Ms. Salina Chalana Advocate and Mr. Ankit Nagpal, PCS for the Respondent Nos. 1 to 6.

The present petition has been filed under Section 241-242 of the Companies Act, 2013. It is contended by the learned counsel for the petitioner that petitioner is one of the Directors and was having 37.5% of the shareholding which has now been reduced to 17.24% and at the same time he had been personal guarantor to the loan of Rs. 25 Crores from SBI. The Board meeting is going to be held on 23.05.2023 having agenda inter alia the removal of applicant from the Directorship. On the other hand, it is contended by learned senior counsel for the respondent that the allegations are false as the applicant himself relinquished his rights and he has refused to invest further in the company and it is also stated by learned senior counsel for the respondent that copy of the paper book has not been supplied to her. Learned senior counsel for the petitioner is directed to supply a copy of the petition during the course of day to the opposite counsel.

Learned Senior Counsel for the Petitioner has sought interim relief of staying the Board meeting dated 23.05.2023 and not to change shareholding of the petitioner and no alienation of assets. On the other hand, it is contended by Learned Senior Counsel for the respondents that removal from Directorship does not amount to oppression and mismanagement. Heard. Be that as it may, no grant for stay of Board meeting is made out. The General Board meeting to be held on 23.05.2023 may be carried out in accordance with law, however, the decisions' taken thereof particularly qua directorship would not be implemented or acted upon till the next date of hearing.

In the meantime, status quo regarding the change of shareholding pattern and alienation of assets be maintained. Learned counsel for the respondent is directed to file reply within four weeks with a copy in advance to the counsel opposite, and rejoinder thereto, if any, be filed at least one week before the next date of hearing with a copy in advance to the counsel opposite. Let the matter be listed on 11.07.2023.

Sd/-
(Subrata Kumar Dash)
Member (Technical)

May 19, 2023
PKA

Sd/-
(Harnam Singh Thakur)
Member (Judicial)

