

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 210
CP-74/ND/2024

IN THE MATTER OF:

Ashish Jain

... **Applicant/Petitioner**

Versus

East West Linkers Pvt. Ltd.

... **Respondent**

Under Section: 241(1), 242

Order delivered on 29.04.2024

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)

SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)

PRESENT:

For the Respondent : Adv. Vikram Kumar for Respondent No. 3 & 4

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

Ld. Counsels for the Respondent Nos. 1 to 4 seeks an extension of time to file the counter reply. Allowed. Let the reply be filed within 4 weeks.

List on 04.06.2024.

In the meantime, Mr. Saurabh Kalia, Ld. Counsel for the Petitioner pointed out that an Extraordinary General Meeting (EGM) of the equity shareholders is scheduled to be held on 30.04.2024 i.e. tomorrow, which is invalid for the simple reason that either it is the Board qua the company, which can call the EGM or only on the meeting being not called by the board that the same can be requisitioned by the shareholder. In his submission, since the proper board comprising of the Petitioner and the Respondent No. 2 is in place and the said board has not refused to call the EGM, the meeting of the shareholders scheduled to be held tomorrow is in violation of Section 100 of the Companies Act, 2013.

Per contra the Ld. Counsel for the Respondent Nos. 2 & 3 submitted that the meeting requisitioned by the shareholder, in a situation where the board did not call the meeting is in order and in consonance with the Section 100 (4) of the Companies Act, 2013. We will examine the issue in detail. In the meantime, the meeting may take place as scheduled, but no decision taken, therein would be given effect to by the Respondents.

List on 04.06.2024.

Sd/-
(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)